The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Wondrous and sovereign God, thank You for the gifts of a new day and borrowed heartbeats. We trust in Your un-failing love and rejoice in Your salvation.

Lord, Your words are right and true. Your plans stand firm forever. In these challenging times, rule our world by Your wise providence.

As the Members of Congress seek to do Your will, help them to hate lies and embrace the truth. Give them the wisdom to guard their lips and weigh their words. Guide them with Your rightousness and integrity. May they leave such a legacy of faithfulness that generations to come will be inspired by their courage.

And, Lord, we continue to pray for Ukraine.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The President pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The President pro tempore. Morning business is closed.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2023

The President pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 7900, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 7900) to authorize appropriations for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The President pro tempore. The Senator from Rhode Island [Mr. REED], proposes an amendment numbered 5499, as modified, and ask that it be reported by number.

The President pro tempore. Without objection, it is so ordered.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] for himself and Mr. INHOFE, proposes an amendment numbered 5499, as modified.

The amendment (No. 5499), as modified, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE. This Act may be cited as the “James M. Inhofe National Defense Authorization Act for Fiscal Year 2023”.

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

(a) DIVISIONS.—This Act is organized into twelve divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Funding Tables.

(5) Division E—Additional Provisions.


(7) Division G—Department of State Authorizations.

(8) Division H—Matters Related to Taiwan.

(9) Division I—Homeland Security and Governmental Affairs Matters.


(12) Division L—Oceans and Atmosphere.

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees.

Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Sec. 111. Limitations on production of Extended Range Cannon Artillery howitzers.

Subtitle B—Army Programs

Sec. 121. DDG(X) destroyer program.

Sec. 122. Multiyear procurement authority for Arleigh Burke class destroyers.

Sec. 123. Block buy contracts for Ship-to-Shore Connector program.

Sec. 124. Procurement authorities for John Lewis-class fleet replenishment oiler ships.

Sec. 125. Tomahawk cruise missile capability on FFG-62 class vessels.

Sec. 126. Navy shipbuilding workforce development initiative.

Sec. 127. Extension of prohibition on availability of funds for Navy port waterborne security barriers.

Sec. 128. Limitation on retirement of E-6B aircraft.

Sec. 129. EA-18G aircraft.

Sec. 130. Block buy contracts for CH-53K heavy lift helicopter program.

Subtitle D—Air Force Programs

Sec. 141. Prohibition on certain reductions to inventory of E-3 airborne warning and control system aircraft.

Sec. 142. Modification of inventory requirements for air refueling tanker aircraft.

-This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Sec. 143. Prohibition on reductions to inventory of F–22 Block 20 aircraft.
Subsection E—Defense-wide, Joint, and Multiservice Matters
Sec. 151. Parts for commercial derivative aircraft and engines and aircraft based on commercial design.
Sec. 152. Assessment and strategy for fielding counter unmanned aerial systems swarm capabilities.
Sec. 153. Treatment of nuclear modernization and hypersonic missile programs within Defense Priorities and Allocations System.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.
Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 211. Disclosure requirements for recipients of research and development funds.
Sec. 212. Modification of cooperative research and development project authority.
Sec. 213. Administration of the Advanced Sensor Applications Program.
Sec. 214. Modification of authority of the Department of Defense to carry out certain prototype projects.
Sec. 215. Competitively awarded demonstrations and tests of electromagnetic warfare technology.
Sec. 218. Investment plan for foundational capabilities needed to develop novel processing approaches for future defense applications.
Sec. 219. Open radio access network 5G acquisition acceleration and transition plans.
Sec. 220. Pilot program to facilitate the development of electric vehicle battery technologies for warfighters.
Subtitle C—Plans, Reports, and Other Matters
Sec. 231. Report on recommendations from Army Futures Command Research Program Realignment Study.
Sec. 232. Strategy and plan for strengthening and fostering defense innovation and transformation.
Sec. 233. Modification of Director for Operational Test and Evaluation annual report.
Sec. 234. Extension of requirement for quarterly briefings on development and implementation of strategy for fifth generation information and communications technologies.
Sec. 235. Report on estimated costs of conducting a minimum frequency of hypersonic weapons testing.
Sec. 236. Annual report on studies and reports being undertaken by the Department of Defense.
Sec. 237. Qualification assurance capability for security of microelectronics.
Sec. 238. Clarification of role of Chief Digital and Artificial Intelligence Officer.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations
Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment
Sec. 311. Aggregation of energy conservation measures and funding.
Sec. 312. Establishment of joint working group to determine joint requirements for future operational energy needs of Department of Defense.
Sec. 313. Additional special considerations for developing and implementing the energy performance goals and energy performance master plan of the Department of Defense.
Sec. 314. Participation in supplement banks and water quality trading.
Sec. 315. Consideration under Defense Environmental Restoration Program for State-owned facilities of the National Guard with proven exposure of hazardous substances and waste.
Sec. 316. Authorization of closeout of Red Hill bulk fuel storage facility.
Sec. 317. Revision of Unified Facilities Guide Specifications and Unified Facilities Criteria to include specifications on use of gas insulated switchgear and criteria and specifications on microgrids and microgrid converters.
Sec. 318. Transfer of customers from electrical utility system of the Navy at former Naval Air Station Barber's Point, Hawaii, to new electrical system in Kalaeloa, Hawaii.
Sec. 319. Pilot program on use of sustainable aviation fuel.
Sec. 320. Renewal of annual environmental and energy reports of Department of Defense.
Sec. 321. Report on feasibility of terminal energy procurement from foreign entities of concern.

Subtitle C—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances
Sec. 331. Increase of 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.
Sec. 332. Modification of limitation on disclosure of results of testing for perfluoroalkyl or polyfluoroalkyl substances or polyfluoroalkyl substances on property.
Sec. 333. Department of Defense research relating to perfluoroalkyl or polyfluoroalkyl substances.
Subtitle D—Logistics and Sustainment
Sec. 351. Implementation of Comptroller General recommendations regarding Shipyard Infrastructure Optimization Plan of the Navy.
Sec. 352. Research and analysis on the capacity of private shipyards in the United States and the effect of those shipyards on Naval fleet readiness.
Sec. 353. Limitation on funds for the Joint Military Support Operations Center.
Sec. 505. Authorized strengths for Space Force officers on active duty in grades of major, lieutenant colonel, and colonel.

Sec. 506. Repeal of requirement for Inspector General of the Department of Defense to conduct certain reviews.

Sec. 507. Modification of reports on Air Force personnel performing duties of a Nuclear and Missile Operations Officer (13N).

Subtitle B—Reserve Component Management

Sec. 511. Authority to waive requirement that performance of Active Guard and Reserve duty at the request of a Governor may not interfere with certain duties.

Sec. 512. Selected Reserve and Ready Reserve order to active duty to respond to a significant cyber incident.

Sec. 513. Backdating of effective date of rank for reserve officers in the National Guard due to undue delays in Federal recognition.

Sec. 514. Independent study on Federal recognition process.

Sec. 515. Continued National Guard support for Firefighter program.

Sec. 516. Inclusion of United States Naval Sea Cadet Corps among youth and charitable organizations authorized to receive assistance from the National Guard.

Subtitle C—General Service Authorities and Military Records

Sec. 521. Modernization of the Selective Service System.

Sec. 522. Prohibition on induction under the Military Selective Service Act without express authorization.

Sec. 523. Extension of temporary authority for targeted recruitment incentives.

Sec. 524. Home leave demonstration program.

Sec. 525. Prohibition on considering State laws and regulations when determining individual duty assignments.

Sec. 526. Modification to limitations on discharge or release from active duty.

Sec. 527. Sex-neutral high fitness standards for Army combat Military Occupational Specialties.

Subtitle D—Military Justice and Other Legal Matters

Sec. 541. Briefing and report on resourcing required for implementation of military justice reform.

Sec. 542. Randomization of court-martial panels.

Sec. 543. Matters in connection with special trial counsel.

Sec. 544. Jurisdiction of Courts of Criminal Appeals.

Sec. 545. Special trial counsel.

Sec. 546. Exclusion of officers serving as lead special trial counsel from limitations on authorized strengths for general and flag officers.

Sec. 547. Special trial counsel of Department of the Air Force.

Sec. 548. Restricted reporting option for Department of Defense civilian employees choosing to report experiencing adult sexual assault.

Sec. 549. Improvements to Department of Defense tracking of and response to incidents of child abuse, adult crimes against children, and serious harmful behavior between children and youth involving military dependents on military installations.

Sec. 550. Primary prevention.

Sec. 551. Dissemination of civilian legal services information.

Subtitle E—Member Education, Training, and Transition

Sec. 561. Review of certain Special Operations personnel policies.

Sec. 562. Expanded eligibility to provide Junior Reserve Officers' Training Corps (JROTC) instruction.

Sec. 563. Pre-service education demonstration program.

Subtitle F—Military Family Readiness and Dependents' Education

Sec. 571. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.

Sec. 572. Assistance to local educational agencies that benefit dependents of members of the Armed Forces with enrollment changes due to base closures, force structure changes, or force relocations.

Sec. 573. Pilot program on hiring of special education inclusion coordinators for Department of Defense child development centers.

Sec. 574. Extension of and report on pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools.

Subtitle G—Decorations and Awards, Miscellaneous Reports, and Other Matters

Sec. 581. Temporary exemption from end strength grade restrictions for the Space Force.

Sec. 582. Report on officer personnel management and the development of the professional military ethic in the Space Force.


Sec. 584. Waiver of time limitations for act of valor during World War II.

Sec. 585. Authorization to award Medal of Honor to Sergeant Major David R. Halbruner for acts of valor in support of an unmanned operation in 2012.


Sec. 587. Posthumous appointment of Ulysses S. Grant to grade of General of the Armies of the United States.

Sec. 588. Modification to notification on manning of afloat naval forces.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Temporary continuation of basic allowance for housing for members whose sole dependent dies while residing with the member.

Sec. 602. Basic allowance for housing for members without dependents who become eligible for basic allowance for housing in certain areas.

Sec. 604. Increase in income for purposes of eligibility for basic needs allowance.

Sec. 606. Conforming amendments to update reference to travel and transportation authorities.

Subtitle B—Bonus and Incentive Pays

Sec. 611. One-year extension of certain expiring bonus and special pay authorities.

Sec. 612. Repeal of sunset of hazardous duty pay.

Sec. 613. Authorization of assignment pay or special duty pay based on climate in which a member's duties are performed.

Subtitle C—Leave

Sec. 631. Air Force rating officer retention demonstration program.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Improvements to the TRICARE Prime program.

Sec. 702. Health benefits for members of the National Guard following required training or other duty to respond to a national emergency.

Sec. 703. Confidentiality requirements for mental health care services for members of the Armed Forces.

Sec. 704. Improvement of referrals for specialty care under TRICARE Prime during permanent changes of station.

Sec. 705. Study on providing benefits under TRICARE Reserve Select and TRICARE dental program to members of the Selected Reserve and their dependents.

Subtitle B—Health Care Administration

Sec. 721. Improvements to organization of military health care system.

Sec. 722. Inclusion of level three trauma care capabilities in requirements for medical centers.

Sec. 723. Extension of Acute Care Force Organization demonstration and annual report requirement.

Sec. 724. Modernization of requirement to transfer public health functions to Defense Health Agency.

Sec. 725. Establishment of Military Health System Medical Logistics Directorate.

Sec. 726. Establishment of centers of excellence for specialty care in the military health system.

Sec. 727. Requirement to establish Academic Health System.

Sec. 728. Adherence to policies relating to mild traumatic brain injury and post-traumatic stress disorder.

Sec. 729. Policy on accountability for wounded warriors undergoing disablement evaluation.

Subtitle C—Reports and Other Matters

Sec. 741. Three-year extension of authority to continue DOD-VA Health Care Sharing Incentive Fund.

Sec. 742. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
Sec. 743. Authorization of permanent program to improve opioid management in the military health system.

Sec. 744. Clarification of membership requirements and compensation authority for independent suicide prevention and response review committee.

Sec. 745. Termination of veterans' advisory board on radiation dose reconstruction.

Sec. 746. Scholarship-for-service pilot program for civilian behavioral health providers.

Sec. 747. Expansion of extramedical maternal health providers demonstration project to include members of the Armed Forces on active duty and other individuals receiving care at military medical treatment facilities.

Sec. 748. Authority to carry out studies and demonstration projects relating to delivery of health and medical care through use of other transaction authority.

Sec. 749. Capability assessment and action plan with respect to effects of exposure to open burn pits and other environmental hazards.

Sec. 750. Independent analysis of Department of Defense Comprehensive Autism Care Demonstration program.

Sec. 751. Report on suicide prevention reforms for members of the Armed Forces.

Sec. 752. Report on behavioral health workforce and plan to address shortfalls in providers.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Modifications to middle tier acquisition authority.

Sec. 802. Extension of Defense Modernization Account authority.

Sec. 803. Prohibition on certain procurements of major defense acquisition programs.

Sec. 804. Revision of authority for procedures to allow rapid acquisition and deployment of capabilities needed under specified high-priority circumstances.

Sec. 805. Acquisition reporting system.

Sec. 806. Modification of reporting requirement in connection with requests for multiyear procurement authority for large defense acquisitions.

Sec. 807. Modification of limitation on cancellation of designation of Executive Agent for a certain Defense Production Act program.

Sec. 808. Comptroller General assessment of acquisition programs and related efforts.

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

Sec. 821. Treatment of certain clauses implementing executive order limitations.

Sec. 822. Data requirements for commercial products for major weapon systems.

Sec. 823. Task and delivery order contracting for architectural and engineering services.

Sec. 824. Extension of pilot program for distribution of support and services for weapons systems contractors.

Sec. 825. Pilot program to accelerate contracting and pricing processes.

Sec. 826. Extension of Never Contract with the Enemy.

Sec. 827. Progress payment incentive pilot.

Sec. 828. Report on Department of Defense Strategic Capabilities Office contracting capabilities.

Subtitle C—Industrial Base Matters

Sec. 841. Analyses of certain activities for action to address sourcing and industrial capacity.

Sec. 842. Modification to miscellaneous limitations on the procurement of goods other than United States goods.

Sec. 843. Demonstration exercise of enhanced planning for industrial mobilization and supply chain management.

Sec. 844. Procurement requirements relating to rare earth elements and strategic and critical materials.

Sec. 845. Modification to the national technology and industrial base.

Sec. 846. Modification of prohibition on operation or procurement of foreign-made unmanned aircraft systems.

Sec. 847. Annual report on industrial base constraints for munitions.

Subtitle D—Small Business Matters

Sec. 861. Modifications to the Defense Research and Development Rapid Innovation Program.

Sec. 862. Permanent extension and modification of Mentor-Protege Program.

Sec. 863. Small business integration working groups.

Sec. 864. Demonstration of commercial due diligence for small business programs.

Sec. 865. Improvements to Procurement Technical Assistance Center program.

Subtitle E—Other Matters

Sec. 871. Risk management for Department of Defense pharmaceutical supply chains.

Sec. 872. Key advanced system development industry days.

Sec. 873. Modification of provision relating to determination of certain activities with unusually hazardous risks.

Sec. 874. Incorporation of controlled unclassified information guidance into program classification guides and program protection plans.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

Sec. 901. Increase in authorized number of Assistant and Deputy Assistant Secretaries of Defense.

Sec. 902. Conforming amendments relating to repeal of position of Chief Management Officer.

Sec. 903. Limitation on availability of funds for operation and maintenance for Office of Secretary of Defense.

Sec. 904. Limitation on use of funds until demonstration of product to identify, task, and manage congressional reporting requirements.

Sec. 905. Limitation on use of funds until Department of Defense completes with requirements relating to alignment of Close Combat Lethality Task Force.

Subtitle B—Other Department of Defense Organization and Management Matters

Sec. 911. Modification of requirements that are responsibility of Armed Forces not Joint Requirements Oversight Council.

Sec. 912. Briefing on revisions to Unified Command Plan.

Sec. 913. Updates to management reform framework.

Sec. 914. Strategic management dashboard demonstration.

Sec. 915. Demonstration program for component content management systems.

Subtitle C—Space Force Matters

Sec. 921. Vice Chief of Space Operations.

Sec. 922. Establishment of operating agencies and direct reporting units of Space Force.

Sec. 923. Framework for new subtitle F of title 10, United States Code, on Space Component.

Sec. 924. Study of proposed Space Force reorganization.

TITLE XI—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Report on budgetary effects of inflation.

Subtitle B—Counterdrug Activities

Sec. 1011. Extension of authority and annual report on unified counternarcotics and counterterrorism campaign in Colombia.

Subtitle C—Naval Vessels

Sec. 1021. Modification to annual naval vessel construction plan.

Sec. 1022. Amphibious warship force structure.

Sec. 1023. Modification to limitation on decommissioning or inactivating a battle force ship before the end of expected service life.

Sec. 1024. Contract requirements relating to maintenance and modernization availabilities for certain naval vessels.

Sec. 1025. Prohibition on retirement of certain naval vessels.

Subtitle D—Counterterrorism

Sec. 1031. Modification and 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.

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.

Sec. 1033. Extension of prohibition on use of funds to construct or modify facilities in United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1034. Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.

Subtitle E—Miscellaneous Authorities and Limitations

Sec. 1041. Department of Defense-Department of Veterans Affairs Discharge Review Board Committee.

Sec. 1042. Modification of provisions relating to cross-functional team for emerging threat relating to anomalous weather incidents.

Sec. 1043. Civilian casualty prevention, mitigation, and response.
Sec. 1044. Prohibition on delegation of authority to designate foreign partner forces as eligible for the provision of collective self-defense support by United States Armed Forces.

Sec. 1045. Personnel supporting the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Sec. 1046. Joint all domain command and control.

Sec. 1047. Extension of admission to Guam or the Commonwealth of the Northern Mariana Islands for certain nonimmigrant H-2B workers.

Sec. 1048. Department of Defense support for civil authorities to address the illegal immigration crisis at the southwest border.

Sec. 1049. Department of Defense support for funerals and memorial events for Members and former Members of Congress.

Sec. 1050. Expansion of eligibility for direct investments to attain threat requirements in Europe.

Sec. 1051. Technical amendments related to recently enacted Commissions.

Subtitle F—Studies and Reports

Sec. 1061. Submission of National Defense Strategy in classified and unclassified form.

Sec. 1062. Report on impact of certain ethics requirements on Department of Defense hiring, retention, and operations.

Sec. 1063. Extension of certain reporting deadlines.

Subtitle G—Other Matters

Sec. 1071. Annual risk assessment.

Sec. 1072. Joint Concept for Competing.

Sec. 1073. Prioritization and acceleration of investments to attain threat matrix framework level 4 capability at training ranges supporting F-35 operations.

Sec. 1074. Modification of Arctic Security Initiative.

Sec. 1075. Pilot program on safe storage of personally owned firearms.

Sec. 1076. Sense of the Senate on redesignation of the Africa Center for Strategic Studies as the James M. Inhofe Center for Africa Strategic Studies.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Eligibility of Department of Defense employees in time-limited appointments to compete for permanent appointments.

Sec. 1102. Employment authority for civilian faculty at certain military department schools.

Sec. 1103. Employment and compensation of civilian faculty members at Inter-American Defense College.

Sec. 1104. Modification to personnel management authority to attract experts in science and engineering.

Sec. 1105. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.

Sec. 1106. Modification and extension of pilot program on dynamic shaping of the workforce to improve the technical skills and expertise at certain Department of Defense laboratories.

Sec. 1107. Modification of effective date of repeal of two-year probationary period for employees.

Sec. 1108. Modification and extension of authority to impose annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Sec. 1109. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.

Sec. 1110. Modification of temporary expansion of authority for non-competitive appointments of military spouses by Federal agencies.

Sec. 1111. Department of Defense Cyber and Digital Service Academy pilot project.

Sec. 1112. Civilian Cybersecurity Reserve pilot project.

Sec. 1113. Modification to pilot program for the temporary assignment of cyber and information technology personnel to private sector organizations.

Sec. 1114. Report on cyber exempted service.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of authority to support border security operations of certain foreign countries.

Sec. 1202. Modification of reporting requirement for provision of support to friendly foreign countries for conduct of operations.

Sec. 1203. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.

Sec. 1204. Modification of authority for participation in multinational centers of excellence.

Sec. 1205. Modification of Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program and plan for Irregular Warfare Center.

Sec. 1206. Modification of authority for humanitarian demining assistance and for support of conventional munitions assistance.

Sec. 1207. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.

Sec. 1208. Modifications to humanitarian assistance.

Sec. 1209. Defense Environmental International Cooperation Program.

Sec. 1210. Security cooperation programs with foreign partners to advance women, peace, and security.

Sec. 1211. Review of implementation of prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.

Sec. 1212. Independent assessment of United States efforts to train, advise, assist, and equip the military of China.

Sec. 1213. Assessment and report on adequacy of authorities to provide assistance to military and security forces in a region of responsibility of United States Africa Command.

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

Sec. 1211. Extension of authority to provide assistance to vetted Syrian groups and individuals.

Sec. 1212. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.

Sec. 1213. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.

Sec. 1214. Assessment of support to Iraqi Security Forces and Kurdish Peshmerga Forces to counter air and missile threats.

Sec. 1215. Update to annual report on military power of Iran.

Subtitle C—Matters Relating to Europe and the Russian Federation

Sec. 1231. Modification of limitation on military posture in the United States and the Russian Federation.

Sec. 1232. Extension of prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.

Sec. 1233. Extension and modification of Ukraine Security Assistance Initiative.


Sec. 1235. Report on United States military force posture and resourcing requirements in Europe.

Sec. 1236. Sense of the Senate and report on civilian harm.

Sec. 1237. Sense of the Senate on the North Atlantic Treaty Organization.

Sec. 1238. Sense of the Senate on Ukraine.

Subtitle D—Matters Relating to the Indo-Pacific Region

Sec. 1241. Extension and modification of Pacific Deterrence Initiative.

Sec. 1242. Extension of authority to transfer funds for Bien Hoa dioxin clean-up.

Sec. 1243. Modification of Indo-Pacific Maritime Security Initiative to authorize use of funds for the Coast Guard.

Sec. 1244. Defense of Taiwan.

Sec. 1245. Multi-year plan to fulfill defensive requirements of military forces of Taiwan and modification of annual report on Taiwan asymmetric capabilities and intelligence support.

Sec. 1246. Enhancing major defense partnership with India.

Sec. 1247. Enhanced indications and warning for deterrence and dissuasion.

Sec. 1248. Pilot program to develop young civilian defense leaders in the Indo-Pacific region.


Sec. 1251. Sense of the Senate on supporting prioritization of the People's Republic of China, the Indo-Pacific region, and Taiwan.

Sec. 1252. Sense of Congress on alliances and partnerships in the Indo-Pacific region.

Sec. 1253. Prohibition on use of funds to support engagement in projects with ties to the Government of the People's Republic of China.
Sec. 1630. Demonstration program for cyber and information technology budget data analytics.
Sec. 1632. Assessments of weapons systems vulnerabilities to radio-frequency enabled cyber attacks.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

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

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Authorization of appropriations.
Sec. 2104. Extension and modification of authority to carry out certain fiscal year 2018 projects.
Sec. 2105. Modification of authority to carry out fiscal year 2019 project at Camp Tongo, Korea.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Authorization of appropriations.
Sec. 2204. Extension of authority to carry out certain fiscal year 2022 project at Joint Region Marianas, Guam.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Authorization of appropriations.
Sec. 2304. Extension of authority to carry out certain fiscal year 2020 projects at Tyndall Air Force Base, Florida.
Sec. 2305. Modification of authority to carry out certain fiscal year 2022 project at Hill Air Force Base, Utah.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorized energy resilience and conservation investment program projects.
Sec. 2403. Authorization of appropriations.
Sec. 2404. Extension of authority to carry out certain fiscal year 2018 projects.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program
Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions
Sec. 2511. Republic of Korea-funded construction projects.
Sec. 2512. Repeal of authorized approach to construction project at Camp Humphreys, Republic of Korea.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Air National Guard and Reserve construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authority to carry out certain fiscal year 2018 projects.
Sec. 2608. Corrections to authority to carry out certain fiscal year 2022 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense base closure account.
Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program
Sec. 2801. Modification of cost thresholds for authority of Department of Defense to acquire low-cost interests in land.
Sec. 2802. Clarification of exceptions to limitations on cost variations for military construction projects and military family housing projects.
Sec. 2803. Elimination of sunset of authority to conduct unspecified minor military construction for lab revitalization.
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Such later fiscal year.
appropriations or funds for that purpose for
cal year 2023 is subject to the availability of
ation of the United States to make a payment
through annual contracts. In certifying cost
production workload.—The term “predictable production
 workload” means a workload that is forecasted to have
more than 70 percent of the average production workload
of the Arleigh Burke-class destroyer program over the most recent five
fiscal years, provided under subsection (a), and for systems and subsystems
associated with such destroyers in economic order quantities when cost savings are achievable.
(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more multiyear
contracts for the procurement of up to 5 Arleigh Burke class Flight III guided missile
 destroyers.
(c) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more multiyear
contracts for the procurement of up to 5 Arleigh Burke class Flight III guided missile
 destroyers.
SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR VARIOUS ARLEIGH BURKE CLASS DESTROYERS.
(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—In section 4251 of title 10, United States Code, the Secretary of the Navy
may enter into one or more multiyear contracts for the procurement of up to 15 Arleigh Burke class Flight III guided missile
destroyers.
(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more multiyear
contracts for the procurement of up to 5 Arleigh Burke class Flight III guided missile
 destroyers.
SEC. 123. BLOCK BUY CONTRACTS FOR SHIP-TO-SHORE CONNECTOR PROGRAM.
(a) BLOCK BUY CONTRACT AUTHORITY.—Be

ing in fiscal year 2023, the Secretary of the Navy may enter into one or more multiyear
buy contracts for the procurement of up to 10 Ship-to-Shore Connector class craft and
associated material.
(b) LIABILITY.—Any contract entered into under subsection (a) shall provide that—
(1) any obligation of the United States to make payment under the contract is sub
ject to the availability of appropriations for that purpose; and
(2) the total liability of the Federal Government for payment under the contract shall be limited to the total amount of fund
ing obligated to the contract at the time of termination.
(c) CERTIFICATION REQUIRED.—A contract
may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the
congressional defense committees, in writing, not later than 30 days before entry
into the contract, each of the following, which shall be prepared by the milestone

decision authority for such program:
(1) The estimated end cost and the anticipated cost avoidance
through the use of a contract entered into under subsection (a) are realistic, including a
description of the basis for such estimates.
(2) The term “predictable production workload” has the meaning given
that purpose for such fiscal year.
(3) The amount of funding for the contract in such fiscal year, and the future-years defense
program (as defined under section 221 of title 10, United States Code) for such fiscal year
will include the funding required to execute the program without cancellation.
(c) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more multiyear
contracts for the procurement of up to 5 Arleigh Burke class Flight III guided missile
 destroyers.
(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation
of the United States to make a payment under the contract for a fiscal year is subject
to the availability of appropriations for that purpose for such fiscal year.
(e) ELIGIBLE SHIPBUILDER.—The term “eligible shipbuilder” has the meaning given
in section 4251(d) of title 10, United States Code.
(f) PAYMENTS.—A contract entered into under subsection (a) is subject to the availability of appropriations for that
purpose for such fiscal year.
(g) ELIGIBLE SHIPBUILDER.—The term “eligible shipbuilder” has the meaning given
in section 4251(d) of title 10, United States Code.
(h) PAYMENTS.—A contract entered into under subsection (a) is subject to the availability of appropriations for that
purpose for such fiscal year.
(i) ELIGIBLE SHIPBUILDER.—The term “eligible shipbuilder” has the meaning given
in section 4251(d) of title 10, United States Code.
SEC. 124. PROCUREMENT AUTHORITY FOR LEWIS-CLASS FLEET REPLENISHMENT OILER SHIPS.
(a) CONTRACT AUTHORITY.—
(1) PROCUREMENT AUTHORIZED.—In fiscal
year 2023 or 2024, the Secretary of the Navy may enter into one or more contracts for the
procurement of not more than eight John Lewis-class fleet replenishment oiler ships.
(2) PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.—The ships authorized to
be procured under paragraph (1) may be procured as additions to existing contracts
covering such program.
(b) MATCHING CONTRIBUTION.—In this subsection, the term “milestone decision authority” has the meaning given
in section 4251(d) of title 10, United States Code.
SEC. 125. TOMAHAWK CRUISE MISSILE CAPABILITY ON FFG-62 CLASS VESSELS.
Before accepting delivery of any FFG-62 class vessel, the Secretary of the Navy shall
ensure that the vessel is capable of carrying and employing Tomahawk cruise missiles.
SEC. 126. NAVY SHIPBUILDING WORKFORCE DEVELOPMENT INITIATIVE.
(a) IN GENERAL.—The phrase “workforce development initiative” includes a separate and distinct line item
to the availability of appropriations for that purpose for such fiscal year.
(2) ELIGIBLE SHIPBUILDER.—The term “eligible shipbuilder” has the meaning given
in section 4251(d) of title 10, United States Code.
SEC. 127. FUNDING FOR WORKFORCE DEVELOPMENT INITIATIVE.
Before accepting delivery of any FFG-62 class vessel, the Secretary of the Navy shall
ensure that the vessel is capable of carrying and employing Tomahawk cruise missiles.
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ensure that the vessel is capable of carrying and employing Tomahawk cruise missiles.
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Before accepting delivery of any FFG-62 class vessel, the Secretary of the Navy shall
ensure that the vessel is capable of carrying and employing Tomahawk cruise missiles.
“(a) The prime contractor receiving the award described in subsection (a)(1).

(b) A qualified subcontractor.

(c) A State government or other State entity.

(d) A county government or other county entity.

(e) A local government or other local entity.

(3) AUTHORIZED ACTIVITIES.—

(1) In general.—Funds for a line item for workforce development required under subsection (1) may be used only to provide for the activities described in paragraph (2) in support of the production and production support workforce of the prime contractor or a qualified subcontractor.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are the following:

(A) The creation of short- and long-term workforce housing, transportation, and other support services to facilitate attraction, re-location, and retention of workers.

(B) The expansion of local talent pipeline programs for both new and existing workers.

(C) Investments in long-term outreach in middle and high school programs, specifically to provide leadership of the programs, to promote and develop manufacturing skills.

(D) Facilities developed or modified for the primary purpose of workforce development.

(E) Direct costs attributable to workforce development.

(F) Attraction and retention bonus programs.

(G) On-the-job training to develop key manufacturing skills.

(4) Technical Amendment.—Subsection (b)(4) of section 863 of chapter 863 of title 10, United States Code, shall be amended by striking “CH–53K heavy lift helicopter program.”

(5) Clerical Amendment.—The table of contents at the beginning of chapter 863 of title 10, United States Code, as added by subsection (a)(1) that will deliver the vessel or vessels covered by the award to the Navy.

(b) TECHNICAL AMENDMENT.—Subsection (b)(4) of section 863 of such title is amended by striking “section 2304” and inserting “sections 3201 through 3235”.

SEC. 129. LIMITATION ON RETIREMENT OF E–6B AIRCRAFT.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Navy may be obligated to retire, prepare to retire, or place in storage or in backup aircraft inventory any E–6B aircraft.

(b) TRANSFER OF AIRCRAFT.—The Secretary of the Navy shall transfer the E–6B aircraft associated with the expeditionary land-based electronic attack squadrons to the Navy Reserve.

(c) EMBARKATION OF SQUADRONS.—The Secretary of the Air Force shall ensure an acquisition strategy for the E–7 Wedgetail is in place prior to the date of the enactment of this Act.

SEC. 130. BLOCK BUY CONTRACTS FOR CH–55K HEavy Lift Helicopter Program.

(a) BLOCK BUY AUTHORITY.—During fiscal years 2023 and 2024, the Secretary of the Navy may enter into one or more block buy contracts for the procurement of the CH–55K heavy lift helicopter program (as defined in section 863 of chapter 863 of title 10, United States Code, as added by subsection (a)(1)), as follows:

(1) any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose;

(2) the total liability of the Federal Government for termination of the contract shall be limited to the total amount of funding obligated to the contract at the time of termination.

(b) CERTIFICATION REQUIRED.—A contract may not be entered into under subsection (a) unless the Secretary of Defense certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be provided in a decision delay memorandum (as defined in section 421(d) of title 10, United States Code) for the program:

(1) the use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the Secretary shall include a written explanation of—

(A) the estimated obligations and expenditures by fiscal year for the program without the authority provided in subsection (a);

(B) the estimated obligations and expenditures by fiscal year for the program with the authority provided in subsection (a);

(C) the estimated cost savings or increase by fiscal year for the program with the authority provided in subsection (a);

(D) the discrete actions that will accomplish such cost savings or avoidance; and

(E) the contractual actions that will ensure such estimated costs are realized.

(2) There is a reasonable expectation that throughout the contemplated contract period the Secretary of the Air Force will request funding for the contract at the level required to avoid contract cancellation.

(3) There is a stable design for the property to be acquired and the technical risks associated with such property are not excessive.

The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic.

(5) The use of such a contract will promote the national security of the United States.

(6) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program submitted pursuant to section 221 of title 10, United States Code, for such fiscal year will include the funding required to execute the program without cancellation.

(7) The contract will be a fixed price type contract.

Subtitle D—Air Force Programs

SEC. 141. PROHIBITION ON CERTAIN REDUCTIONS TO INVENTORY OF E–3 AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT.

(a) Prohibition.—Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Air Force may be obligated to retire, prepare to retire, or place in storage or in backup aircraft inventory any E–3 aircraft if such actions would reduce the total aircraft inventory for such aircraft below 26.

(b) Exception for Acquisition Strategy.—If the Secretary of the Air Force submits to the congressional defense committees an acquisition strategy for the E–3 Wedgetail approved by the Service Acquisition Executive of the Air Force, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to 21 after the date on which the strategy is submitted to the congressional defense committees.

(c) Exception for Contract Award.—If the Secretary of the Air Force awards a contract for the E–7 Wedgetail aircraft, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to 16 after the date on which such contract is awarded.
to be appropriated by this Act for fiscal year 2023 for the Air Force may be obligated to retire, prepare to retire, or place in storage or in backup aircraft inventory any F–22 Block 20 aircraft.

(b) Expiration of Prohibition.—The prohibition under subsection (a) shall cease to have effect if the Secretary of the Air Force submits to the congressional defense committees—

(1) a detailed plan approved by the Secretary for training for F–22 aircraft to ensure that the combat capability at operational units would not be degraded if the Air Force were to retire all F–22 Block 20 aircraft;

(2) a report on how the Secretary intends to avoid—

(A) diminishing the combat effectiveness of remaining F–22 aircraft;

(B) exacerbating F–22 aircraft availability concerns; and

(C) complicating F–22 aircraft squadron maintenance issues.

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

SEC. 151. PARTS FOR COMMERCIAL DERIVATIVE AIRCRAFT AND ENGINES AND AIRCRAFT BASED ON COMMERCIAL DESIGN.

(a) In General.—The Secretary of the Air Force and the Secretary of the Navy shall—

(1) include covered parts in supply chain solutions to provide for replacement or increased availability;

(A) all commercial derivative aircraft and engines of the Department of Defense; and

(B) all aircraft of the Department that are based on commercial design;

(2) conduct the acquisition of all follow-on covered parts on a competitive basis, based on price and quality, and如果有 covered parts only from suppliers that provide covered parts that possess a FAA Authorized Release Certificate, FAA Form 8130-4 Airworthiness Approval Tag, from a repair station certified pursuant to part 145 of title 14, Code of Federal Regulations (or successor regulation),

(b) Covered Parts Defined.—In this section, the term ‘‘covered parts’’—

(1) means used, overhauled, reconditioned, or re-manufactured common or dual use parts certified for use by the Federal Aviation Administration; and

(2) does not include life limited parts.

SEC. 152. ASSESSMENT AND STRATEGY FOR FIELDING COUNTER-UANNED AERIAL SYSTEMS SWARM CAPABILITIES.

(a) Assessment, Analysis, and Review.—The Secretary of Defense shall conduct—

(1) an assessment of the threats posed by unmanned aerial system (UAS) swarms or unmanned aerial systems with indicative swarm capabilities to installations and deployed armed forces;

(2) an analysis of the use or potential use of unmanned aerial system swarms by adversaries, including China, Russia, Iran, North Korea, and non-state actors;

(A) tools or techniques to counter unmanned aerial system swarm threats; and

(5) overall development efforts and field tests of technologies that can counter unmanned aerial system swarm threats.

(b) Strategy Development and Implementation Required.—

(1) In General.—The Secretary shall develop a strategy to counter unmanned aerial systems and to counter threats posed by unmanned aerial system swarms.

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

(A) The development of a comprehensive definition of ‘‘unmanned aerial system swarm’’.

(B) A plan to establish and incorporate requirements for development, testing, and fielding of counter unmanned aerial system swarm capabilities.

(C) A plan to acquire and field adequate organic capabilities to counter unmanned aerial systems swarms in defense of United States armed forces, assets, and infrastructures across land, air, and maritime domains.

(D) An estimate of resources needed by the Army, the Navy, and the Air Force to implement the plan described in paragraph (1).

(E) An analysis, determination, and prioritization of legislative action required to ensure the Department has the ability to counter the threats described in subsection (a)(1).

(F) Such other matters as the Secretary considers pertinent.

(c) Incorporation into Existing Strategy.—The Secretary may incorporate the strategy required by paragraph (1) into a strategy that was in effect on the date of the enactment of this Act.

(d) Information to Congress.—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 on—

(1) the findings of the Secretary under subsection (a); and

(2) the strategy developed and implemented by the Secretary under subsection (b).

SEC. 153. TREATMENT OF NUCLEAR MODERNIZATION AND HYPERSONIC MISSILE PROGRAMS WITHIN DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM.

(a) Sense of Senate.—It is the sense of the Senate that—

(1) the United States is entering into an unprecedented period of strategic competition with two potential adversaries, each of which now possess, or will acquire, nuclear and missile forces equal to or greater than such forces possessed by the United States;

(2) ensuring the continued deterrence of the growing threat to the nuclear capabilities of such adversaries requires—

(A) safe, secure, effective, and credible nuclear forces, with a range of flexible employment options, as determined by the President; and

(B) robust missile forces capable of overcoming current and future missile defenses;

(3) such forces can only be achieved through the appropriate modernization of legacy nuclear capabilities of the United States and the timely development of a range of ballistic, cruise, and hypersonic boost-glide missile systems;

(4) ongoing Department of Defense and National Nuclear Security Administration programs and projects to achieve the modernization of nuclear forces enjoy virtually no scheduled margin for delivery prior to the expected retirement or de-commissioning of legacy systems and facilities; and

(5) the People’s Republic of China, the Russian Federation, and North Korea work to rapidly modernize and expand their nuclear arsenals;

(b) Incorporation into Existing Strategy.—The Secretary of Defense and the Secretary of Energy should promptly inform Congress of any additional priorities to further reduce risks related to such programs and projects; and

(c) Information to Congress.—Not later than January 1, 2023, the Secretary of Defense and the Secretary of Energy shall submit to the congressional defense committees a report including—

(1) a description of each nuclear weapons delivery system, missile warning system, hypersonic boost-glide missile system program, or weapon program or nuclear security enterprise infrastructure project of the National Nuclear Security Administration, a determination of whether such program or project should be assigned a DX priority rating under part 700 of title 15, Code of Federal Regulations; and

(2) for any such program or project that has not been assigned a DX priority rating as of January 1, 2023—

(i) an explanation for any delay in assigning such a rating; and

(ii) a timeline for the assignment of such a rating.

(c) Annual Certification.—For any nuclear weapons delivery system, missile warning system, hypersonic boost-glide missile system program, or weapon program or nuclear security enterprise infrastructure project of the National Nuclear Security Administration that the respective Secretary determines under paragraph (1)(A) to any other official.

(d) Non-deliberation.—The Secretary may not delegate a determination under paragraph (1)(A) to any other official.

SEC. 154. GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT OF EFFORTS TO MODERNIZE PRODUCTION SYSTEMS OF THE F–35 AIRCRAFT.

(a) In General.—Not later than February 28, 2023, the Comptroller General of the United States shall conduct an assessment of efforts to modernize propulsion systems of the F–35 aircraft:

(1) Elements.—The findings of the assessment required by subsection (a) shall set forth the following:
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(1) The results of a comparative analysis
and independent cost assessment, conducted
by the Comptroller General, of options to
modernize propulsion systems of the F–35
aircraft, including—
(A) modernizing the existing F135 engine;
and
(B) the development and insertion of the
Adaptive Engine Transition Program engine.
(2) The costs of the alternatives associated
with development, production, retrofit, integration, and installation, including air vehicle modifications, and sustainment infrastructure requirements of the Adaptive Engine Transition Program engine for the F–
35A aircraft.
(3) An assessment of progress made by prototype aircraft in the Adaptive Engine Transition Program effort.
(4) The timeline associated with modernizing the F135 engine to meet Block 4 upgrade requirements for the F–35A aircraft.
(5) The costs associated with modernizing
the F135 engine to meet Block 4 upgrade requirements.
(6) An assessment of the potential impact
of the modernization alternatives described
in this subsection on life cycle sustainment
and sparing contracts, including the impact
on international partners.
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 2023 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

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SEC. 211. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF RESEARCH AND DEVELOPMENT FUNDS.
(a) IN GENERAL.—Chapter 301 of title 10,

United States Code, is amended by inserting
after section 4026 the following new section:
‘‘§ 4027. Disclosure requirements for recipients of research and development funds
‘‘(a) IN GENERAL.—Except as provided in
subsections (b) and (c), an individual or entity (including a State or local government)
that uses funds received from the Department of Defense to carry out research or development activities shall include, in any
public document pertaining to such activities, a clear statement indicating the dollar
amount of the funds received from the Department for such activities.
‘‘(b) EXCEPTION.—The disclosure requirement under subsection (a) shall not apply to
a public document consisting of fewer than
280 characters.
‘‘(c) WAIVER.—The Secretary of Defense
may waive the disclosure requirement under
subsection (a) on a case-by-case basis.
‘‘(d) PUBLIC DOCUMENT DEFINED.—In this
section, the term ‘public document‘ means
any document or other written statement
made available for public reference or use,
regardless of whether such document or
statement is made available in hard copy or
electronic format.‘‘.
(b) CLERICAL AMENDMENT.—The table of
sections at the beginning of such chapter is
amended by inserting after the item relating
to section 4026 the following new item:
‘‘4027. Disclosure requirements for recipients
of research and development
funds.
SEC. 212. MODIFICATION OF COOPERATIVE RESEARCH
AND
DEVELOPMENT
PROJECT AUTHORITY.
(a) IN GENERAL.—Section 2350a of title 10,

United States Code, is amended—
(1) in subsection (a)(2), by adding at the
end the following:

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‘‘(F) The European Union, including the
European Defence Agency, the European
Commission, and the Council of the European Union, and their suborganizations.‘‘;
and
(2) in subsection (i), by amending paragraph (1) to read as follows:
‘‘(1) The term ‘cooperative research and development project‘ means a project—
‘‘(A) involving joint participation by—
‘‘(i) the United States and—
‘‘(ii)(I) one or more countries and organizations referred to in subsection (a)(2) under a
memorandum of understanding (or other formal agreement); or
‘‘(II) one or more parties in the national
technology and industrial base (as defined in
section 4801 of this title) under a memorandum of understanding (or other formal
agreement); and
‘‘(B) to carry out a joint research and development program—
‘‘(i) to develop new conventional defense
equipment and munitions; or
‘‘(ii) to modify existing military equipment to meet United States military requirements.‘‘.
(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 Regulations to
conform with section 2350a of title 10, United
States Code, as amended by subsection (a).
SEC. 213. ADMINISTRATION OF THE ADVANCED
SENSOR APPLICATIONS PROGRAM.
(a) RESOURCE SPONSOR.—
(1) IN GENERAL.—The Commander of Naval

Air Systems Command (NAVAIR) shall, in
conjunction with the Director of Air Warfare
(OPNAV N98), serve as the resource sponsor
for the Advanced Sensor Applications Program (known as ‘‘ASAP‘‘ and in this section
referred to as the ‘‘Program‘‘).
(2) RESPONSIBILITIES.—The resource sponsor of the Program shall be responsible for
the following:
(A) Developing budget requests relating to
the Program.
(B) Establishing priorities for the Program.
(C) Approving the execution of funding and
projects for the Program.
(D) Coordination and joint planning with
external stakeholders in matters relating to
the Program.
(b) LIMITATIONS.—No other entity in the
Department of the Navy may—
(1) serve as a resource sponsor for the Program;
(2) provide direction and management for
the Program;
(3) set priorities for the Program;
(4) regulate or limit the information available or accessible to the Program;
(5) edit reports or findings generated under
the Program; or
(6) coordinate and manage interactions of
the Program with external stakeholders.
(c) AUTHORITY FOR PROGRAM MANAGER.—
The program manager for the Program may
access, consider, act on, and apply information, at all levels of classification and from
all sources and organizations, that is pertinent to the projects and activities that the
Program is executing, or considering proposing for the future.
(d) QUARTERLY BRIEFINGS.—Not less frequently than once every three months, the
program manager for the Program shall provide the congressional defense committees
and congressional intelligence committees
(as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) a briefing on
all aspects of the Program, including on the
implementation of this section, other congressional direction, and direction and oversight from the Commander of Naval Air Sys-

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tems Command and other higher headquarters.
(e) STRATEGIC RELATIONSHIP.—The program
manager for the Program shall evaluate the
feasibility and advisability of establishing a
strategic relationship with the Naval Research Laboratory for scientific and technical assistance and support for the Program.
(f) USE OF ASSETS.—The Commander shall
take all actions the Commander considers
reasonable—
(1) to enable the Program to utilize assets
controlled within the Naval Air Systems
Command enterprise, including sensor systems and platforms; and
(2) to pursue the use of other assets that
may further the mission of the Program.
SEC. 214. MODIFICATION OF AUTHORITY OF THE
DEPARTMENT
OF
DEFENSE
TO
CARRY OUT CERTAIN PROTOTYPE
PROJECTS.

Section 4022 of title 10, United States Code,
is amended—
(1) in subsection (a)(2)—
(A) by striking ‘‘, and any follow-on production contract or transaction that is
awarded pursuant to subsection (f),‘‘ both
places it appears;
(B) in subparagraph (A)(ii), by striking ‘‘;
and‘‘ and inserting a semicolon;
(C) in subparagraph (B)(ii), by striking the
period at the end and inserting ‘‘; and‘‘; and
(D) by adding at the end the following new
subparagraph:
‘‘(C) may be exercised for a transaction for
a follow-on production contract or transaction that is awarded pursuant to subsection (f) and expected to cost the Department of Defense in excess of $100,000,000 (including all options) only if a covered official—
‘‘(i) determines in writing that—
‘‘(I) the requirements of subsection (d) will
be met; and
‘‘(II) the use of the authority of this section is essential to meet critical national security objectives; and
‘‘(ii) notifies the congressional defense
committees in writing of the findings required under clause (i) at the time such authority is exercised.‘‘; and
(2) in subsection (e)—
(A) by redesignating paragraphs (1) and (2)
as paragraphs (2) and (4), respectively;
(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following new paragraph:
‘‘(1) The term ‘covered official‘ means—
‘‘(A) a service acquisition executive;
‘‘(B) the Director of the Defense Advanced
Research Projects Agency;
‘‘(C) the Director of the Missile Defense
Agency;
‘‘(D) the Undersecretary of Defense for Acquisition and Sustainment; or
‘‘(E) the Undersecretary of Defense for Research and Engineering.‘‘; and
(C) by inserting after paragraph (2), as so
redesignated, the following new paragraph:
‘‘(3)
The
term
‘service
acquisition
executive‘ has the meaning given the term in
section 101 of this title.‘‘.
SEC.

(a)

215.

COMPETITIVELY AWARDED DEMONSTRATIONS AND TESTS OF ELECTROMAGNETIC
WARFARE
TECHNOLOGY.
DEMONSTRATIONS AND TESTS RE-

QUIRED.—Not

later than 270 days after the
date of the enactment of this Act, the Director of the Air Force Rapid Capabilities Office
(RCO) shall conduct competitively awarded
demonstrations and tests of commercial
electronics technology to determine whether
technology currently exists that could enable the following electromagnetic warfare
capabilities:
(1) The operation of multiple emitters and
receivers in the same frequency at the same

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The time and in the same location without mutual interference and without using adaptive beam forming or nulling. (2) Protecting the reception of Global Positioning System signals, other vulnerable electromagnetic jamming, and communications signals from multiple high-power jammers at a level that is significantly better than the protection afforded by Control of Emitter Technologies. (3) Simultaneous transmission from and reception of separate signals on the same platform wherein the signals lie in the same frequency bands, are transmitted and received at the same time without interference. (4) Capabilities similar to paragraphs (1) through (3) in a live, virtual constructive simulation environment. (5) Other capabilities that might satisfy or support needs set forth in the Electromagnetic Spectrum Superiority Strategy Implementation Plan. (b) OVERSIGHT OF TESTS.—The Director of Operational Test and Evaluation shall— (1) provide oversight of the demonstrations and tests required by subsection (a); (2) review other applicable government or commercial demonstrations and tests; and (3) not later than 30 days after the completion of demonstrations and tests required by subsection (a), independently advise the Chief Information Officer (CIO) of the Department of Defense, the Under Secretary of Defense for Research and Engineering (USD R&E), and the Under Secretary of Defense for Acquisition and Sustainment (USD A&S) if the results of the demonstrations and tests establish under paragraph (1) shall be re-demonstrated and tested technologies to support needs set forth in the Electro-magnetic Spectrum Superiority Strategy Implementation Plan. (c) OUTCOME-BASED ACTIONS REQUIRED.—If the Director of Operational Test and Evaluation and the Director of the Air Force Rapid Capabilities Office affirm that the demonstrations and tests required by subsection (a) confirm that current technology could enable the capabilities described in paragraphs (1) through (3) in subsection— (1) not later than 45 days after the conclusion of the tests under subsection (a), the Director of the Air Force Rapid Capabilities Office and the Director of Operational Test and Evaluation shall brief the congressional defense committees on the outcomes of the tests; (2) the Director of the Air Force Rapid Capabilities Office may commit additional funds to begin engineering form, fit, and function development and integration for specific Defense platforms and applications; and (3) not later than 90 days after the conclusion of the tests under subsection (a), the Director of the Air Force Rapid Capabilities Office, the Chief Information Officer, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment shall brief the congressional defense committees on a plan to further develop and deploy the demonstrated and tested technologies to support the Electromagnetic Spectrum Superiority Strategy Implementation Plan. SEC. 216. GOVERNMENT-INDUSTRY WORKING GROUP ON MICROELECTRONICS. (a) ESTABLISHMENT.— (1) IN GENERAL.—The Secretary of Defense shall establish a working group for industry, academia, and Department of Defense components to coordinate on microelectronics issues of mutual interest as specified in subsection (b). (2) COMPOSITION.—The working group established under paragraph (1) shall be composed of representatives of industry, academia, and Department of Defense components. (3) DESIGNATION.—The working group established under paragraph (1) shall be referred to as the “Government-Industry Working Group on Microelectronics” (in this section referred to as the “Working Group”). (b) SCOPE.—The Secretary shall ensure that the Working Group supports dialogue and coordination on the following topic areas relative to microelectronics: (1) Future research needs. (2) Infrastructure development and shortfalls. (3) Technical development roadmaps. (4) Training and certification needs for the workforce. (5) Supply chain issues. (6) Supply chain, manufacturing, and packaging security. (c) ADMINISTRATIVE SUPPORT FRAMEWORK.— (1) CHARTER AND POLICIES.—Not later than March 1, 2023, the Secretary of Defense shall develop a charter and issue policies for the functioning of the Working Group. (2) SUPPORT.—The joint federation of capabilities established under section 937 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) shall provide administrative support to the Working Group. (d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide a competitive advantage to any participant in the Working Group. (e) TERMINATION.—The provisions of this section shall terminate on December 31, 2030. SEC. 217. INCLUSION OF OFFICE OF UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING IN PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING. Section 4092 of title 10, United States Code, is amended— (1) in subsection (a), by adding at the end the following new paragraph: “(10) OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.— (A) in subparagraph (H), by striking ‘‘; and’’ and inserting a semicolon; (B) in subparagraph (J), by striking ‘‘; and’’; and (C) in subparagraph (K), by striking ‘‘; and’’; and (2) in subsection (b)— (A) in subparagraph (H), by striking ‘‘; and’’; (B) in subparagraph (I), by striking the semicolon and inserting ‘‘; and’’; and (C) by adding at the end the following new subparagraph: “(J) in the case of the Office of the Under Secretary of Defense for Research and Engineering, appoint scientists and engineers to the total of not more than five officials in science or engineering positions in the Office.”. SEC. 218. INVESTMENT PLAN FOR FOUNDATIONAL CAPABILITIES NEEDED TO DEVELOP NOVEL PROCESSING APPROACHES FOR FUTURE DEFENSE APPLICATIONS. (a) INVESTMENT PLANS REQUIRED.—Not later than November 1, 2023, and not less frequently than once every three years thereafter, the Under Secretary of Defense for Research and Engineering shall develop and submit to the congressional defense committees an investment plan for foundational capabilities needed to develop novel processing approaches for future defense applications. (b) PURPOSE.—The purpose of the investment plan required by subsection (a) is to establish a comprehensive approach to the identification, prioritization, development, and leveraging of Department of Defense investments from the research, development, test, and evaluation accounts of the Department. (c) ELEMENTS.—The investment plan required by subsection (a) shall— (1) identify current and projected investment needs for foundational capabilities, including an estimate of total funding, to support fielding and use of novel processing approaches; (2) identify current and projected investments supporting the acceleration of novel processing approaches, including investments in— (A) algorithm and workforce capabilities; (B) facilities and infrastructure to host systems utilizing novel processing approaches; (C) algorithm developments necessary to expand the functionality from each novel processing approach; (D) other Federal agencies and federally sponsored laboratories; and (E) appropriate international and commercial sector organizations and activities; (3) describe mechanisms to coordinate and leverage investments within the Department and with non-Federal partners; (4) describe the technical goals to be achieved and capabilities to be developed under the strategy; and (5) include recommendations for such legislative or administration action as may support effective execution of the investment plan. (d) FORM.—Each plan submitted under subsection (a) shall be submitted in such form and manner as the Secretary considers appropriate, which may include classified, unclassified, and publicly releasable formats. (e) NOVEL PROCESSING APPROACHES DEFINED.—In this section, the term “novel processing approaches” means— (1) new, emerging techniques in computation, networking, science, computing, utility scale quantum computing; and (2) associated algorithm and hardware development needed to instantiate such technologies. SEC. 219. OPEN RADIO ACCESS NETWORK 5G ACQUISITION, ACCELERATION AND TRANSITION PLAN. (a) THREE-YEAR TRANSITION PLAN REQUIRED.— (1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Assistant Secretary of the Navy for Research, Development, and Acquisition, and the Assistant Secretary of the Air Force for Acquisition and Research, in coordination with the Under Secretary of Defense for Research and Engineering, and the CIO of the Department of Defense, shall jointly develop and submit to the congressional defense committees an unclassified three-year transition plan for fifth generation information and communications technology (5G) infrastructure for their respective military department. (2) ELEMENTS.—The transition plans identified under paragraph (1) shall include— (A) an operational needs assessment that identifies the highest priority areas where fifth generation information and communications technologies are needed; and (B) an investment plan that includes funding estimates, by fiscal year and appropriation account, to accelerate the maturations, acquisition, and deployment of fifth generation information and communications capabilities that use the open radio access network approach on Department of Defense facilities and communications technology (5G) infrastructure; (C) metrics and reporting mechanisms to drive progress towards the three-year transition goal; (D) a certification and designation of a single point of contact at each installation, and within each of the services to facilitate the deployment of fifth generation information and communications technology; (E) planned efforts to streamline the real estate, contracting, and communications
policies and processes to field wireless infrastructure that has resulted in a lengthy approval processes for industry to provide on-air wireless coverage on an installation; (F) other areas of concern that require investment to support the transition to fifth generation information and communications technology that uses the open network approach; and (G) such other matters as the Secretary of Defense considers appropriate.

(b) CROSS-FUNCTIONAL TEAM ASSESSMENT.—(1) BRIEFING REQUIRED.—Not later than 150 days after the date of the enactment of this Act and after all of the plans required by subsection (a)(1) have been submitted to the Congress, the cross-functional team established pursuant to section 228(c)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 4517 note) shall assess such plans and provide the congressional defense committees with a briefing on the findings of the cross functional team with respect to such assessment.

(2) ELEMENTS.—The briefing provided under paragraph (1) shall include the following: (A) Elements to further accelerate the deployment of fifth-generation information and communications technologies that use an open network approach across the Department of Defense; (B) Recommendations to standardize and streamline the real estate, contracting, and communication policies and processes to field wireless infrastructure on an installation; (C) An engagement plan for Department participants in international wireless standard setting bodies.

(D) Such other matters as the cross functional team described in paragraph (1) considers appropriate.

(c) OPEN RADIO ACCESS NETWORK APPROACH DEFINED.—In this section the term "open radio access network approach" means an approach to networking that uses a disaggregated or virtualized radio access network and core in which components can be provided by different vendors and interoperate through open protocols and interfaces, including those protocols and interfaces utilizing the Open Radio Access Network (commonly known as "Open RAN") approach.

SEC. 220. PILOT PROGRAM TO FACILITATE THE DEVELOPMENT OF ELECTRIC VEHICLE BATTERY TECHNOLOGIES FOR WARRIORS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense may establish and carry out a pilot program to assess the feasibility and advisability of providing support to domestic battery producers, particularly those producing lithium-iron cells and battery packs.

(A) To facilitate the research and development of safe and secure battery technologies for exiting or new or novel battery chemistry configurations;

(B) To assess existing commercial battery offerings within the marketplace for viability and utility for warfighter applications; and

(C) To transition such technologies, including technologies developed from pilot program work, to the Department and development programs, from the prototyping phase to production.

(2) DESIGNATION.—The pilot program established under paragraph (1) shall be known as the "Warfighter Electric Battery Transition Project." (referred to in this section as the "Project").

(b) CONTENTS, CONTRACTS, AND OTHER AGREEMENTS.—The Secretary may carry out the Project through the award of support, as described in subsection (a)(1), in the form of grants to, or contracts or other agreements with, battery producers, particularly those producing lithium-ion cells and battery packs.

(c) USE OF GRANT AND CONTRACT AMOUNTS.—(A) A recipient of a grant, contract, or other agreement under the Project may use the amount of the grant, contract, or other agreement to carry out the following: (1) Conducting research and development to validate new or novel battery chemistry configurations, through experimentation, prototyping, testing, integration or manufacturing feasibility assessment.

(2) Providing commercially available technologies to the Secretary of a military department and the commanders of combatant commands to support utility assessments or other testing by warfighters.

(3) Building and strengthening relationships of the Department of Defense with nontraditional defense contractors in the technology industry that may have unused or underused solutions to the specific operational challenges of the Department.

(d) PRIORITY OF AWARDS.—In awarding grants, contracts, or other agreements under the Project, the Secretary shall give preference to technology producers that—

(1) manufacture battery cells, packs, and modules in the United States;

(2) manufacture battery cells, packs, and modules in the national technology industrial base (NTIB);

(3) provide modularity to support diverse applications;

(4) facilitate safety in tactical and combat applications by using chemistries that reduce thermal runaway and minimize oxygen liberation;

(5) facilitate optimal use in light-medium and heavy-duty applications by providing a minimum of 400 Wh/L of volumetric energy density;

(6) demonstrate new or novel battery chemistry configurations, safety characteristics, or form-factor configurations;

(7) facilitate the domestic supply chain for raw materials; and

(8) offer commercial products or commercial services and maintain customers with verified purchase orders.

(e) REPORTING AND DATA COLLECTION.—(1) PLAN REQUIRED BEFORE IMPLEMENTATION.—The Secretary shall provide the Command Research Program Realignment Study.

(2) Metrics for measuring the performance of the Project.

(f) ADMINISTRATION.—The Under Secretary of Defense for Research and Engineering shall administer the Project.

(g) TERMINATION.—The Project shall terminate on December 31, 2028.

Subtitle C—Plans, Reports, and Other Matters

SEC. 231. REPORT ON RECOMMENDATIONS FROM ARMY FUTURES COMMAND RESEARCH PROGRAM REALIGNMENT STUDY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Congress a report on the recommendations made by the National Academies in the Army Futures Command Research Program Realignment Study.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) Description of each recommendation described in such subsection that has already been implemented.

(2) Description of each recommendation described in such subsection that the Secretary has commenced implementing, including a justification for determining to commence implementing the recommendation.

(3) A description of each recommendation described in such subsection that the Secretary has not commenced implementing and a determination as to whether or not to implement the recommendation.

(4) For each recommendation under paragraph (3) the Secretary determines to implement, the following:

(A) A timeline for implementation.

(B) A description of any additional resources or authorities required for implementation.

(C) A plan for implementation.

(5) For each recommendation under paragraph (3) the Secretary determines not to implement, a justification for the determination not to implement.

(F) STRUCTURE AND FUNCTIONING OF COMMAND RESEARCH PROGRAMS IN THE DEPARTMENT OF DEFENSE.

(a) STRATEGY AND IMPLEMENTATION PLAN REQUIRED.—Not later than March 1, 2023, the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall develop a strategy and an implementation plan for the defense innovation ecosystem.

(b) PURPOSES.—

(1) STRATEGY.—The purpose of the strategy required by subsection (a) is to provide a framework for identifying, assessing, and tracking innovation ecosystems that are beneficial to advancing the defense, national security, and warfighting missions of the Department of Defense.

(2) IMPLEMENTATION PLAN.—The purpose of the implementation plan required by subsection (a) is to—

(A) concrete steps and measures of effectiveness to gauge the success of the innovation ecosystems described in paragraph (1) on the Department; and

(B) means for assessing the effectiveness of approaches taken by the Department to grow, foster, and sustain such innovation ecosystems.

(c) ELEMENTS.—The strategy and the implementation plan required by subsection (a) shall include the following elements:

(1) A process for defining, assessing, and selecting innovation ecosystems with potential to provide benefit to the Department.

(2) Metrics for measuring the performance and health of innovation ecosystems being sustained or established by the Department, including identification of criteria to determine when to establish or cease supporting identified ecosystems.

(3) Identification of Department of Defense research, development, test, and evaluation assets and authorities that can be engaged in innovation ecosystems with potential to provide benefit to the Department.

(4) For each innovation ecosystem designated or established by the Department—

(A) a listing of such ecosystem with a description of core competencies or focus areas; and

(B) Identification of Department research, development, test, and evaluation organizations engaged with such innovation ecosystems;
(a) Development and Implementation of Capability.—The Secretary of Defense shall develop and implement a capability for quantifiable assurance to achieve practical, affordable, and risk-based objectives for security of microelectronics to enable the Department of Defense to access and apply state-of-the-art microelectronics for military purposes.

(b) Establishment of Requirements and Schedule of Support for Development, Test, and Assessment.—In general.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Under Secretary of Defense for Research and Engineering, establish requirements and a schedule for support from the National Security Agency to develop, test, assess, implement, and improve this capability.

(2) NATIONAL SECURITY AGENCY.—The Director of the National Security Agency shall take such actions as may be necessary to support the requirements established under paragraph (1).

(3) Briefing.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Congress on the strategy and implementation plan developed under subsection (a).

(c) Assessment.—In general.—The Secretary of Defense shall assess whether the Department of Defense, to enable expanded use of unprogrammed application specific integrated circuits or other custom-designed inegrated circuits manufactured by a supplier that is not using processes accredited by the Defense Microelectronics Activity for the Defense Microelectronics Activity for the


SEC. 233. MODIFICATION OF DIRECTOR FOR RESEARCH AND ENGINEERING.—(a) In general.—The Secretary of Defense shall submit to each congressional defense committee a quarterly briefing on the strategy and implementation plan developed under subsection (a).

(b) Submission of strategy and plan.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each congressional defense committee a strategy and implementation plan that provides for innovative technologies for military missions.

(c) Authorization.—The strategy and implementation plan developed under subsection (a) may incorporate the use of the following authorities or programs:

(1) Section 1746a of title 10, United States Code, relating to acquisition workforce education partnerships.

(2) Section 2194 of such title, relating to education partnerships.

(3) Section 4021 of such title, relating to centers of industrial and technical excellence.

(4) Section 4001 of such title, relating to research and education partnerships.

(5) Section 4010 of such title, relating to partnerships.

(6) Sections 4021 and 4022 of such title, relating to defense education partnerships.

(7) Section 4023 of such title, relating to procurement for experimental purposes.

(8) Section 4029 of such title, relating to prizes for advanced technology achievements.

(9) Section 4122 of such title, relating to mechanisms to provide funds for defense laboratories and development of technologies for military missions.

(10) Section 4114 of such title, relating to research and educational programs at historically black colleges and universities and minority serving institutions.

(11) Section 4832 of such title, relating to the encouragement of technology transfer at the Department of Defense.

(12) Section 252 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), relating to improved technology transfer.


(15) Section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 4001 note), relating to mechanisms to provide funds for defense laboratories.


(17) Other such authorities as the Secretary deems appropriate.

DEFINITION.—In this section:

(1) The term “Department of Defense research, development, test, and evaluation” includes the following:

(A) The Department of Defense science and technology reinvention laboratories designated under section 4211 of title 10, United States Code.

(B) The Major Range and Test Facility Base (as defined in section 4173(i) of such title).

(C) Department of Defense sponsored manufacturing innovation institutes.

(D) The national basic research program.

(2) Each report submitted under paragraph (1) shall be submitted to the Committee on Armed Services of each House of Congress.

SEC. 234. EXTENSION OF REQUIREMENT FOR QUARTERLY BRIEFS ON DEVELOPMENT AND IMPLEMENTATION OF STRATEGY FOR FIFTH GENERATION INFORMATION AND COMMUNICATIONS TECHNOLOGIES.—Section 5200.44 (relating to protection of mission critical systems) is amended by adding at the end the following:

“(h) The Secretary of Defense shall ensure that the annual report submitted under paragraph (3) includes the following:

(1) A list of each study and report described by paragraph (1).

(2) For each report or study or report listed under subparagraph (A) the following:

(i) The title of the study or report.

(ii) The author of the study or report.

(iii) The amount of the contract or other agreement pursuant to which the study or report is being produced or conducted.

(iv) The anticipated completion date of the study or report.

(v) The report required by paragraph (1) shall not apply to the following:

(A) Classified reports or studies.

(B) Technical reports prepared with scientific research or technical development activities.

(C) Reports or studies that are deliverables under contract for non-Defense Department entities.

(D) Reports or studies that are draft, or have not undergone a peer-review or preliminary security review established by the federally funded research and development centers.


(3) The requirements of this subsection shall terminate on the date that is five years after the date of the enactment of this subsection.

SEC. 235. QUANTIFIABLE ASSURANCE CAPABILITY FOR SECURITY OF MICROELECTRONICS.—In general.—The Secretary of Defense shall, in consultation with the Under Secretary of Defense for Research and Engineering, establish requirements and a schedule for support from the National Security Agency to develop, test, assess, implement, and improve this capability.

SEC. 236. ANNUAL REPORT ON STUDIES AND REPORTS BEING UNDERTAKEN BY THE DEPARTMENT OF DEFENSE.—Section 4126 of title 10, United States Code, as amended by the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 4126 note), relating to thequadrennial updates to the national military strategy, is amended by adding at the end the following:

“(c) QUADRENNIAL UPDATES.—Not later than March 1, 2027, the Secretary of Defense shall submit to the Committee on Armed Services of each House of Congress a quadrennial update to the national military strategy described by this section, in accordance with section 123 of title 10.

SEC. 237. QUANTIFIABLE ASSURANCE CAPABILITY FOR SECURITY OF MICROELECTRONICS.—In general.—The Secretary of Defense shall develop and implement a capability for quantifiable assurance to achieve practical, affordable, and risk-based objectives for security of microelectronics to enable the Department of Defense to access and apply state-of-the-art microelectronics for military purposes.
(B) expand the use of unprogrammed custom-designed integrated circuits that are not controlled by such regulations.

(2) BRIEFING.—Not later than April 1, 2023, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the assessment conducted under paragraph (1).

SEC. 238. CLARIFICATION OF ROLE OF CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER.

(a) PERSONNEL MANAGEMENT AUTHORITY TO ARTIFICIAL INTELLIGENCE OFFICER IN SCIENCE AND ENGINEERING.—Section 4092 of title 10, United States Code, is amended—

(1) in subsection (a)(6)–

(A) by striking the ‘Director of the Joint Artificial Intelligence Center’ and inserting ‘official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.)’; and

(B) by striking ‘for the Center’ and inserting ‘to support the activities of such official under section 238 of such Act’; and

(C) in the paragraph heading, by striking ‘Center’; and

(2) in subsection (b)(1)(F)—

(A) by striking ‘Joint Artificial Intelligence Center’ and inserting ‘official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.)’; and

(B) by striking ‘in the Center’ and inserting ‘in support of the activities of such official under section 238 of such Act’;

(3) in subsection (c)(2), by striking ‘Joint Artificial Intelligence Center’ and inserting ‘the activities under section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.)’;


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

(‘c) ORGANIZATION AND ROLES.—’;

(1) ‘(A) the Under Secretary of Defense for Research and Engineering;’;

(B) the Under Secretary of Defense for Acquisition and Sustainment;’;

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

(D) officials of appropriate Defense Agencies; and

(E) such other officials as the Secretary of Defense determines appropriate.’; and

(2) in subsection (e), by striking ‘Director of the Joint Artificial Intelligence Center’ and inserting ‘official designated under subsection (b)’; and

(3) by striking subsection (b).

(c) BIANNUAL REPORT ON ACTIVITIES OF THE CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICE.—

(1) IN GENERAL.—Section 230 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–328; 10 U.S.C. 1580 note prec.) is amended—

(A) in the section heading, by striking ‘Joint Artificial Intelligence Center’ and inserting ‘Chief Digital and Artificial Intelligence Office’; and

(B) in subsection (a)—

(i) by striking ‘2023’ and inserting ‘2025’; and

(ii) by striking ‘Joint Artificial Intelligence Center (referred to in this section as the ‘Center’); and inserting ‘Chief Digital and Artificial Intelligence Office (referred to in this section as the ‘Office’);’;

(C) in subsection (b)—

(i) in paragraph (1), by striking ‘Center’ and inserting ‘Office’;

(ii) in paragraph (2), by striking ‘National Mission Initiatives, Component Mission Initiatives, and any other initiatives of the Center;’ and inserting ‘initiatives of the Office’;

(iii) in paragraphs (3) through (6), by striking ‘Center’ each place it appears and inserting ‘Office’;

(iv) in paragraph (7), by striking ‘Center and the Center’s investments in the National Mission Initiatives and Component Mission Initiatives’ and inserting ‘Office and the Office’s investments’;

(v) in paragraph (8), by striking ‘Chief Information Officer’ and inserting ‘Chief Digital and Artificial Intelligence Office’; and

(vi) in paragraph (10), by striking ‘Center’ and inserting ‘Office’; and

(D) by striking subsection (c).

(2) CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICE.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 260 and inserting the following new item:

‘Sec. 260. Biannual report on the activities of the Chief Digital and Artificial Intelligence Office.’;

(d) CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICE RESPONSIBILITY FOR DEPARTMENT OF DEFENSE DATA SETS.—Section 903(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2223 note prec.) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(e) BOARD OF ADVISORS FOR THE OFFICE OF THE CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICE.—


(A) in the section heading, by striking ‘Joint Artificial Intelligence Center’ and inserting ‘Chief Digital and Artificial Intelligence Office’; and

(B) in subsection (a), by striking ‘Chief Information Officer’ and inserting ‘Chief Digital and Artificial Intelligence Officer’;

(C) in subsection (b) by striking ‘Director’ each place it appears and inserting ‘Chief Digital and Artificial Intelligence Officer’;

(D) in subsection (f), by striking ‘September 30, 2024’ and inserting ‘September 30, 2026’; and

(E) in subsection (g)—

(i) by striking paragraphs (2) and (3); and

(ii) by redesignating paragraph (4) as paragraph (2).

(f) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 233 and inserting the following new item:

‘Sec. 233. Board of advisors for the Chief Digital and Artificial Intelligence Office.’;

(i) APPLICATION OF ARTIFICIAL INTELLIGENCE TO THE DEFENSE REFORM PILLAR IN LAW.—Any reference in any law, regulation, guidance, instruction, or other document of the Federal Government to the Director of the Joint Artificial Intelligence Center of the Department of Defense or to the Joint Artificial Intelligence Center shall be deemed to refer to the official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.), or the office of such official, as the case may be.

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 2023 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 table in section 8001.

Subtitle B—Energy and Environment

SEC. 311. AGGREGATION OF ENERGY CONSERVATION MEASURES AND FUNDING.

Section 2011 of title 10, United States Code, is amended by adding at the end the following new subsection:

‘(3) AGGREGATE ENERGY CONSERVATION MEASURES AND FUNDING.—(1) To the maximum extent practicable, the Secretary concerned shall take a holistic view of the energy project opportunities on installations under the jurisdiction of such Secretary and shall consider aggregate conservation measures, including energy conservation measures with quick payback, with energy resilience enhancement projects and other projects that may have a longer payback period.

(2) In considering aggregate energy conservation measures under paragraph (1), the Secretary concerned shall incorporate all funding available to such Secretary for such measures, including—

(A) appropriated funds, such as—

(i) funds appropriated for the Energy Resilience and Conservation Investment Program of the Department; and

(ii) funds appropriated for the Facilities Maintenance, Restoration, and Modernization program of the Department; and

(B) funding available under performance contracts such as energy performance contracts and utility energy service contracts.’;

SEC. 312. ESTABLISHMENT OF JOINT WORKING GROUP TO DETERMINE JOINT REQUIREMENTS FOR FUTURE OPERATIONAL ENERGY NEEDS OF DEPARTMENT OF DEFENSE.

(a) Establishment.—The Secretary of Defense shall establish a joint working group

October 11, 2022

CONGRESSIONAL RECORD — SENATE S6085
OPERATIONAL NEEDS OF THE DEPARTMENT

BRIEFING OUTLINING RECOMMENDATIONS FOR PROGRESSIVE DEFENSE COMMITTEES

The Secretary shall—

(a) AUTHORIT Y FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAMS.—The term ‘State-owned National Guard Facility’ means land owned and operated by a State when such land is used for training the National Guard of the State. Such land shall be eligible for funds provided by the Secretary of Defense or the Secretary of a military department at such time as the Secretary deems such funds necessary for the national defense.

(b) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense, may make payments to a pollutant banking program or water quality trading program approved in accordance with the Water Quality Trading Policy dated January 13, 2003, forth by the Office of Water of the Environmental Protection Agency, or any successor administrative guidance or regulation.

(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a pollutant banking program or water quality trading program may be treated as eligible project costs under this section, the working group shall address the operational energy needs of the Department of Defense or the Secretary of a military department at such time as the Secretary deems such funds necessary for the national defense.

(d) WATER MONITORING PROGRAM.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prepare the plan required under paragraph (1) in consultation with—

(A) the Administrator of the Environmental Protection Agency;

(B) the head of the Hawaii Department of Health;

(C) the Director of the United States Geological Survey; and

(D) the heads of such other relevant Federal and State agencies as the Secretary considers appropriate.

SEC. 315. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAMS OF STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

(4) The term ‘State-owned National Guard facility’ means land owned and operated by a State when such land is used for training the National Guard of the State. Such land shall be eligible for funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAMS.—Section 2701(c)(1) of such title is amended by deleting the first sentence, by inserting ‘and at State-owned National Guard facilities’ before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new paragraph:

(4) Each State-owned National Guard facility being used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department at the time of actions leading to contamination by hazardous substances or pollutants or contaminants.

SEC. 316. AUTHORIZATION OF CLOSURE OF RED HILL BULK FUEL STORAGE FACILITY.

(a) IN GENERAL.—The Secretary of Defense may close the Red Hill bulk fuel storage facility of the Department of Defense in Hawaii (in this section referred to as the ‘‘facility’’).

(b) PLAN FOR CLOSURE AND POST-CLOSURE CARE.

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a plan for—

(A) closure of the Facility;

(B) cleanup of the Facility;

(C) monitoring of the Facility following such closure;

(D) maintenance of the Facility following such closure;

(E) optimal post-closure care for the Facility, specifically addressing—

(i) monitoring and maintenance of liners;

(ii) final covers; and

(iii) leachate collection and removal systems;

(F) environmental remediation of groundwater at the Facility, to include a description of environmental remediation plans, including necessary resources for the Secretary of the Navy to conduct remediation actions at the Facility in the following year;

(G) coordination and communication with applicable Federal, State, and local authorities, the local water utility authority, applicable State environmental agencies, and surrounding communities on remediation activities conducted by the Navy at the Facility;

(H) improvements to processes, procedures, organization, training, leadership, education, facilities, and policy of the Department of Defense related to best practices for the remediation and closure of the Facility; and

(I) measures to ensure that future strategic levels of assets of the Department of Defense are properly maintained and critical environmental assets are protected.

(2) PREPARATION OF PLAN.—The Secretary shall—

(A) with a rated capacity of less than 300 electrical megawatts; or

(B) that can be constructed and operated in combination with similar reactors at a single site.

(c) MONITORING OF THE FACILITY.—Section 2994c of title 10, United States Code, is amended by inserting after section 2994c the following new section:

§ 2994d. Participation in pollutant banks and water quality trading.

(a) AUTHORITY TO PARTICIPATE.—The Secretary of an energy agency shall retain the energy agency’s participation in, and shall be eligible for payments under, the Water Quality Trading Program.

(b) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a pollutant banking program or water quality trading program may be treated as eligible project costs under this section, the working group shall address the operational energy needs of the Department of Defense or the Secretary of a military department at such time as the Secretary deems such funds necessary for the national defense.

(d) WATER MONITORING PROGRAM.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish a water monitoring program.
(1) to monitor movement of the fuel plume in the aquifer surrounding the Facility;
(2) to monitor long-term impacts to such aquifer and local water bodies resulting from water contamination from the Facility; and
(3) to coordinate with the Agency for Toxic Substances and Disease Registry of the Department of Health and Human Services as the Administrator follow up to the previously conducted voluntary survey of individuals and entities impacted by water contamination from the Facility.

SEC. 317. MODIFICATION OF UNITED FACILITIES GUIDE SPECIFICATIONS AND UNITED FACILITIES CRITERIA TO INCLUDE SPECIFICATIONS ON USE OF GAS INSULATED SWITCHGEAR AND CRITERIA AND SPECIFICATIONS ON MICROGRIDS AND MICROGRID CONVERTERS.

(a) GAS INSULATED SWITCHGEAR.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall modify the Unified Facilities Guide Specifications to include a distinct specification for medium voltage gas insulated switchgear.

(b) MICROGRIDS.—Not later than one year after the date of the enactment of this Act, and the Under Secretary of Defense for Acquisition and Sustainment shall—

(1) modify the Unified Facilities Guide Specifications to include microgrids; and

(2) modify the Unified Facilities Guide Specifications to include specifications for microgrids and microgrid controllers.

SEC. 318. TRANSFER OF CUSTOMERS FROM ELECTRICAL UTILITY SYSTEM OF THE NAVY AT FORMER NAVAL AIR STATION BARBER'S POINT, HAWAII, TO NEW ELECTRICAL SYSTEM IN KALAELOA, HAWAII.

(a) In general.—Subject to the availability of appropriations for such purpose, the Secretary of the Navy shall pay the reasonable costs to transfer all customers off of the electrical system located at former Naval Air Station Barber's Point, Hawaii, to the new electrical system in Kalaeloa, Hawaii, operated by Hawaii Electric.

(b) Cooperative Agreement or Other Instruction.—The Secretary of the Navy may enter into a cooperative agreement or other arrangement with a third party—

(1) to make amounts available to pay the reasonable costs of transfers described in subsection (a); and

(2) to reimburse the third party for the reasonable costs that it may incur to carry out paragraph (1).

(c) Facilitation of Transfer.—To facilitate the transfer of customers described in subsection (a), the Secretary of the Navy shall provide the following to the State of Hawaii:

(1) A load analysis and design necessary to complete such transfer.
(2) Such rights of way and easements as may be necessary to support the construction of new commercial electrical infrastructure.

(d) Disposal of Naval Electrical System.—Subject to the availability of appropriations for such purpose, after all customers have been transferred as required under subsection (a), the Secretary of the Navy may dispose of the electrical system of the Navy located at former Naval Air Station Barber's Point, Hawaii.

SEC. 319. PILOT PROGRAM ON USE OF SUSTAINABLE AVIATION FUEL.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a pilot program on the use of sustainable aviation fuel by the Department of Defense.

(2) Design of Program.—The pilot program shall be designed to—

(A) identify any logistical challenges with respect to the use of sustainable aviation fuel by the Department;

(B) promote understanding of the technical and operational characteristics of sustainable aviation fuel when used in a military setting; and

(C) engage nearby commercial airports to coordinate with the facilities of the Department at which to carry out the pilot program.

(b) Selection of Facilities.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than two facilities of the Department at which to carry out the pilot program.

(2) Onsite Refinery.—Not fewer than one facility selected under subparagraph (A) shall be a facility with an onsite refinery that is located in proximity to no fewer than one major commercial airport that is also actively seeking to increase the use of sustainable aviation fuel.

(3) Notice to Congress.—Upon the selection of each facility under paragraph (1), the Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives notice of the selection, including an identification of the facility selected.

(c) Use of Sustainable Aviation Fuel.—

(1) Plans.—For each facility selected under subsection (b), not later than one year after the selection of the facility, the Secretary shall—

(A) develop a plan on how to implement, by September 30, 2028, a target of exclusively using at the facility aviation fuel that is blended to contain not less than 10 percent sustainable aviation fuel;

(B) submit the plan developed under subparagraph (A) to the Committees on Armed Services of the Senate and the House of Representatives; and

(C) provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on such plan that includes, at a minimum—

(i) a description of any operational, infrastructural, or logistical challenges with respect to the use of sustainable aviation fuel;

(ii) a description of any stakeholder engagement in the development of the plan, including any consultations with nearby commercial airport owners or operators.

(2) Implementation of Plans.—For each facility selected under subsection (b), during the period beginning on a date that is not later than September 30, 2028, and for five years thereafter, the Secretary shall, in accordance with the respective plan developed under paragraph (1), the exclusive use at the facility of aviation fuel that is blended to contain not less than 10 percent sustainable aviation fuel.

(d) Criteria for Sustainable Aviation Fuel.—

(1) IN GENERAL.—Sustainable aviation fuel used under the pilot program shall meet the following criteria:

(c) such fuel shall be produced in the United States from domestic feedstock sources.

(2) Such fuel shall constitute drop-in fuel that meets all specifications and performance requirements of the Department of Defense and the Armed Forces.

(e) Waiver.—The Secretary may waive the use of sustainable aviation fuel at a facility under the pilot program if the Secretary—

(1) determines such use is not feasible due to a lack of technical availability of sustainable aviation fuel or a national security contingency; and

(2) submits to the congressional defense committees notice of such waiver and the reasons for such waiver.

(f) Final Report.—

(1) IN GENERAL.—At the conclusion of the pilot program, the Assistant Secretary of Defense for Energy, Installations, and Environment shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the pilot program.

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

(A) An assessment of the effect of using sustainable aviation fuel on the overall fuel consumption of the Armed Forces;

(B) A description of any operational, infrastructural, or logistical requirements and recommendations for the blending and use of sustainable aviation fuel, with a focus on scaling up adoption of such fuel throughout the Armed Forces.

(C) Recommendations with respect to how military installations can leverage proximity to commercial airports and other jet fuel consumers to increase the rate of use of sustainable aviation fuel, for both military and non-military use, including potential collaboration on innovative financing or purchasing and shared supply chain infrastructure;

(D) A description of the effects on performance and operation of aircraft using sustainable aviation fuel, including—

(i) if used, considerations of various blending ratios and their associated benefits;

(ii) efficiency and distance improvements of flights using sustainable aviation fuel;

(iii) weight savings on large transport aircraft and other types of aircraft using blended fuel with higher concentrations of sustainable aviation fuel;

(iv) maintenance benefits of using sustainable aviation fuel, including engine longevity;

(v) the effect of the use of sustainable aviation fuel on emissions and air quality;

(vi) the effect of the use of sustainable aviation fuel on the environment and on surrounding communities, including environmental justice factors that are created by the blended fuel and use of sustainable aviation fuel by the Department of Defense; and

(vii) benefits with respect to job creation in the sustainable aviation fuel production and supply chain;

(E) Sustainable Aviation Fuel Defined.—In this section, the term ’sustainable aviation fuel’ means liquid fuel that—

(1) consists of synthetic hydrocarbon;

(2) meets the requirements of ASTM International Standard D7666 (or successor standard);

(3) is derived from biomass (as such term is defined in section 45(k)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides; and

(4) is not derived from palm fatty acid distillates.

SEC. 320. RENEWAL OF ANNUAL ENVIRONMENTAL AND ENERGY REPORTS OF DEPARTMENT OF DEFENSE.

(a) Environmental Report.—Section 2711 of title 10, United States Code, is amended by

(1) inserting subsections (a) and (b) and inserting the following new subsections:

(2) REPORT REQUIRED.—Not later than March 31 of each year, the Secretary of Defense shall submit to the President on progress made by environmental programs of the Department of Defense during the preceding fiscal year.

(b) Annual Environmental and Energy Reports—Each report under subsection (a) shall include, for the year covered by the report, the following:
“(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, information on the Energy Environmental Restoration Program under section 2701 of this title, including—

(A) the total number of sites at which such program was carried out;

(B) a remediation for sites that have not yet completed cleanup;

(C) the remaining cost to complete cleanup of known sites; and

(D) an assessment by the Secretary of Defense of the overall progress of such program.

(2) An assessment by the Secretary of achievements for environmental compliance by the Department.

(3) An assessment by the Secretary of achievements for climate resiliency by the Department.

(b) ELEMENTS.—The report required under section 2925 of this title shall include the following:

(1) For the year covered by the report, the following:


(B) A description of the energy savings, return on investment, and enhancements to installation and mission readiness associated with progress on energy resiliency at military installations and the use of operational energy in combat platforms and activities.

(2) ELEMENTS.—Each report under subsection (a) shall include the following:

(A) Report Required.—Not later than 240 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report detailing the fulfillment during that fiscal year of the authorities and requirements under sections 2925, 2911, 2912, 2920, and 2925 of this title, including progress on energy resiliency at military installations and the use of operational energy in combat platforms and activities.

(B) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) For the year covered by the report, the following:


(B) A description of the energy savings, return on investment, and enhancements to installation and mission readiness associated with progress on energy resiliency at military installations and the use of operational energy in combat platforms and activities.

(C) A description of and progress towards the energy security, resilience, and performance goals and master planning for the Department of Defense, including associated metrics pursuant to subsections (c) and (d) of section 2911 of this title and requirements under section 2888(g) of this title.

(D) An evaluation of progress made by the Department in implementing the operational energy strategy of the Department, including the progress of key initiatives and technology investments related to operational energy demand and management.

(E) Amounts of any funds transferred by the Secretary of Defense pursuant to section 2912 of this title, including a detailed description of the purpose for which such amounts have been used.

(2) Statistical information on operational energy demands of the Department, in terms of energy, electricity, and other energy-consuming commodities for the five fiscal years preceding five fiscal years, including information on funding made available in regular defense appropriations Acts and any supplemental appropriations Acts.

(3) A description of each initiative related to the operational energy strategy of the Department and a summary of funds appropriated for such initiative for the previous five fiscal years and current fiscal year and request for each initiative for the next five fiscal years.

(4) Such recommendations as the Secretary considers appropriate for additional changes in organization or authority within the Department to enable further implementation of the energy strategy and such other comments and recommendations as the Secretary considers appropriate.

(c)-Classified Form.—If a report under subsection (a) is submitted in classified form, the Secretary of Defense shall, concurrently with such report, submit to the congressional defense committees an unclassified version of the report.

(d) CONSOLIDATION.—The Secretary of Defense may consolidate or attach with or otherwise include in any report required under section 2925 any annual report or other requirement that is aligned or associated with, or would be better understood if presented as part of a consolidated report addressing, environmental restoration, compliance, and resilience.’’.

(Sec. 321. REPORT ON FEASIBILITY OF TERMINATING ENERGY PROCUREMENT FROM FOREIGN ENTITIES OF CONCERN.)

SEC. 321. REPORT ON FEASIBILITY OF TERMINATING ENERGY PROCUREMENT FROM FOREIGN ENTITIES OF CONCERN.

(A) IN GENERAL.—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 the item relating to section 2925 and inserting the following new item:

‘‘2925. Annual report on energy performance, resilience, and readiness of Department of Defense.’’.

(B) ELEMENTS.—Each report required under this subsection (a) shall include the following:

(1) For the year covered by the report, the following:


(B) A description of the energy savings, return on investment, and enhancements to installation and mission readiness associated with progress on energy resiliency at military installations and the use of operational energy in combat platforms and activities.

(C) A description of and progress towards the energy security, resilience, and performance goals and master planning for the Department of Defense, including associated metrics pursuant to subsections (c) and (d) of section 2911 of this title and requirements under section 2888(g) of this title.

(D) An evaluation of progress made by the Department in implementing the operational energy strategy of the Department, including the progress of key initiatives and technology investments related to operational energy demand and management.

(E) Amounts of any funds transferred by the Secretary of Defense pursuant to section 2912 of this title, including a detailed description of the purpose for which such amounts have been used.

(2) Statistical information on operational energy demands of the Department, in terms of energy, electricity, and other energy-consuming commodities for the five fiscal years preceding five fiscal years, including information on funding made available in regular defense appropriations Acts and any supplemental appropriations Acts.

(3) A description of each initiative related to the operational energy strategy of the Department and a summary of funds appropriated for such initiative for the previous five fiscal years and current fiscal year and request for each initiative for the next five fiscal years.

(4) Such recommendations as the Secretary considers appropriate for additional changes in organization or authority within the Department to enable further implementation of the energy strategy and such other comments and recommendations as the Secretary considers appropriate.

(d) CONSOLIDATION.—The Secretary of Defense may consolidate or attach with or otherwise include in any report required under section 2925 any annual report or other requirement that is aligned or associated with, or would be better understood if presented as part of a consolidated report addressing, environmental restoration, compliance, and resilience.’’.

(Sec. 331. INCREASE OF TRANSFER AUTHORITY FOR FUNDING OF STUDY AND ASSESSMENT OF POLYFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.)

SEC. 331. INCREASE OF TRANSFER AUTHORITY FOR FUNDING OF STUDY AND ASSESSMENT OF POLYFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.


(1) in clause (i), by striking ‘‘2023’’ and inserting ‘‘2027’’; and

(2) by adding at the end the following new clause:

‘‘(ii) Without regard to section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $20,000,000 in fiscal year 2023 to the Secretary of Health and Human Services to pay for the study and assessment required by this section.’’.

(Sec. 332. MODIFICATION OF LIMITATION ON DISCLOSURE OF RESULTS OF TESTING FOR PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES ON PRIVATE PROPERTY.)

SEC. 332. MODIFICATION OF LIMITATION ON DISCLOSURE OF RESULTS OF TESTING FOR PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES ON PRIVATE PROPERTY.

Section 349(a)(2) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 2715 note) is amended by inserting ‘‘personally identifiable information in connection with’’ after ‘‘publicly disclose’’.

(Sec. 333. DEPARTMENT OF DEFENSE RESEARCH RELATING TO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.)

SEC. 333. DEPARTMENT OF DEFENSE RESEARCH RELATING TO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.

(a) PUBLICATION OF INFORMATION.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish 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. 2715) and regularly updated information on the research efforts of the Department of Defense relating to perfluoroalkyl or polyfluoroalkyl substances, which shall include the following:

(A) A description of any research collaborations and data sharing by the Department with the Department of Veterans Affairs, the Agency for Toxic Substances and Disease Registry, or any other agency (as defined in section 551 title 5, United States Code), State or local academic or governmental organizations, or any other entity.

(B) Regularly updated information on research projects supported or conducted by the Department of Defense relating to the development, testing, and evaluation of a fluorine-free firefighting foam or any other
alternative to aqueous film forming foam that contains perfluoroalkyl or polyfluoroalkyl substances, excluding any proprietary information that is business-confidential.

(C) Regularly updated information on research projects supported or conducted by the Department pertaining to the health effects of perfluoroalkyl or polyfluoroalkyl substances, including information relating to the impact of such substances on firefighters, veterans, and military families and excluding any personally identifiable information.

(D) Regularly updated information on research projects supported or conducted by the Department to address the use of perfluoroalkyl or polyfluoroalkyl substances and the health effects of the use of such substances.

(2) BRIEFING.—The information published under paragraph (1) shall be made available in a downloadable, machine-readable, open, and a user-friendly format.

(3) DEPARTMENT.—In this subsection:

(A) MILITARY INSTALLATION.—The term ‘‘military installation’’ includes active, inactive, and former military installations.

(B) PERFLUOROALKYL SUBSTANCE.—The term ‘‘perfluoroalkyl substance’’ means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(C) POLYFLUOROALKYL SUBSTANCE.—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.

(b) INCLUSION OF RESEARCH DUTIES IN PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TASK FORCE.—Section 2714(e) of title 10, United States Code, is amended by adding at the end the following:

‘‘(5) Supporting research efforts relating to perfluoroalkyl substances or polyfluoroalkyl substances.

(6) Establishing practices to ensure the timely and complete dissemination of research findings and related data relating to perfluoroalkyl substances or polyfluoroalkyl substances to the general public.’’.

Subtitle D—Logistics and Sustainment

SEC. 351. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS REGARDING SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN OF THE NAVY.

(a) In general.—Not later than March 1, 2023, the Secretary of the Navy shall—

(1) develop metrics for assessing progress of the Secretary toward improved shipyard capacity and performance in carrying out the Shipyard Infrastructure Optimization Plan of the Navy, including by measuring the effectiveness of capital investments;

(2) ensure that the shipyard optimization program office of the Navy—

(A) includes all costs, such as inflation, program office activities, utilities, roads, environmental support, historic preservation, and alternative workspace when developing a detailed cost estimate; and

(B) uses cost estimating best practices in developing a detailed cost estimate, including—

(i) a program baseline; 

(ii) a warranty and provisions structure; 

(iii) a description of the methodology and key assumptions: 

(iv) a consideration of inflation; 

(v) a full assessment of risk and uncertainty; and

(vi) a sensitivity analysis; and

(3) obtain an independent cost estimate for the shipyard modernization program before starting the prioritization of projects under such program.

(b) BRIEFING.—If the Secretary of the Navy is unable to implement the requirements under subsection (a) by March 1, 2023, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives before such date on—

(1) the current progress of the Secretary toward implementing those requirements; 

(2) any hindrance to implementing those requirements; and

(3) any additional resources necessary to implement those requirements.

SEC. 352. RESEARCH AND ANALYSIS ON THE CAPACITY OF PRIVATE SHIPYARDS IN THE UNITED STATES AND THE EFFECT OF THOSE SHIPYARDS ON NAVAL FLEET READINESS.

(a) In general.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall enter into an agreement with a nonprofit entity or a federally funded research and development center with whom the Secretary of the Navy entered into an agreement under subsection (a) shall submit to the Secretary a report on the results of the research and analysis undertaken under such subsection.

(b) TRANSMITTAL TO CONGRESS.—Not later than 30 days after the Secretary receives the report under paragraph (1), the Secretary shall transmit to the congressional defense committees a copy of—

(1) the appropriately scoped and tailored messaging activities to foreign target audiences;

(2) ensuring messages serve a valid military purpose;

(3) effectively managing risk associated with web-based military information support operations.

(c) Maintaining alignment with policies and procedures of the Department of Defense.

(d) Adequately overseeing and approving the work of contractors.

(e) Ensuring alignment with policy guidance and procedures of the Department; and

(f) Coordinating activities with the Global Engagement Center of the Department of State and other relevant non-Department of Defense entities.

SEC. 353. LIMITATION ON FUNDS FOR THE JOINT MILITARY INFORMATION SUPPORT OPERATIONS WEB OPERATIONS CENTER.

Not more than 50 percent of the amount authorized to be appropriated for the Joint Military Information Support Operations Web Operations Center for Operation and Maintenance, Defense-Wide, may be obligated and expended—

(2) T RANSMITTAL TO CONGRESS .—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to the congressional defense committees a copy of any agreement under subsection (a) and a copy of the report under paragraph (1), the Secretary shall—

(a) In general.—Not later than 30 days before making a change to increase the level of retention rates for a Navy ship repair contract, the Secretary of the Navy shall notify the Secretary of Defense submits to the congressional defense committees a plan for—

(1) appropriately scoping and tailoring messaging activities to foreign target audiences;

(2) ensuring messages serve a valid military purpose;

(3) effectively managing risk associated with web-based military information support operations.

(b) Matters to be included.—A notification under subsection (a) with respect to a change to increase the level of retention rates for a Navy ship repair contract shall include the following information:

(1) An identification of any considerations that informed the decision to increase such rate.

(2) The desired effect the change will have on the Navy ship repair industrial base.

SEC. 354. NOTIFICATION OF INCREASE IN RETENTION RATES FOR NAVY SHIP REPAIR CONTRACTS.

(a) In general.—Not later than 30 days before making a change to increase the level of retention rates for a Navy ship repair contract, the Secretary of the Navy shall notify the congressional defense committees.

(b) Matters to be included.—A notification under subsection (a) with respect to a change to increase the level of retention rates for a Navy ship repair contract shall include the following information:

(1) An identification of any considerations that informed the decision to increase such rate.

(2) The desired effect the change will have on the Navy ship repair industrial base.
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SEC. 356. REPEAL OF COMPTROLLER GENERAL REVIEWS ON TIME LIMITATIONS ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

Subsection (c) of section 322 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–64; 123 Stat. 2252) is repealed.

Subtitle E—Reports

SEC. 371. INCLUSION OF INFORMATION REGARDING JOINT MEDICAL TESTS IN MINISTRY SANITATION AND MASTER PLAN REPORTS.

Section 482(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) A summary of the joint medical estimate under subsection 732(b)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 123 Stat. 1817) prepared by the Joint Staff Surgeon with a mitigation plan to correct any uncorrected problem or deficiency and the timeline, cost, and any legislative action required to correct any such problem or deficiency.";

Subtitle F—Other Matters

SEC. 381. IMPLEMENTATION OF RECOMMENDATIONS RELATING TO ANIMAL FACILITY SANITATION AND MASTER PLAN FOR HOUSING AND CARE OF HORSES.

(a) IMPLEMENTATION BY SECRETARY OF THE ARMY OF COMMISSION ON ANIMAL FACILITY SANITATION REPORTING TO ANIMAL FACILITY SANITATION.—Not later than March 1, 2023, the Secretary of the Army shall implement the recommendations contained in the memorandum of the Department of the Army dated February 25, 2022, the subject of which is "Animal Facility Sanitation Inspection Findings for the Fort Myer Caisson Barn/Paddocks and the Fort Belvoir Caisson Pasture Facility" (MCH-RN).

(b) MASTER PLAN FOR THE HOUSING AND CARE OF ALL HORSES WITHIN THE CARE OF THE OLD GUARD.—

(1) IN GENERAL.—Not later than March 1, 2023, the Secretary of the Army shall submit to Congress a master plan for the housing and care of all horses within the care of the Old Guard (commonly known as the "Old Guard").

(2) ELIGIBILITY.—The plan required by paragraph (1) shall—

(A) describe all modifications planned or underway at the Fort Myer Caisson Barn/Paddocks and Fort Belvoir Caisson Pasture Facility, and any other facility or location under consideration for stable of the horses described in paragraph (1); and

(B) identify adequate space at Fort Myer, Virginia, to properly care for the horses described in paragraph (1);

(C) prioritize the allotment of the space identified in paragraph (B) for other functions of Fort Myer that could be placed elsewhere;

(D) include projected timelines and resource requirements to execute the plan; and

(E) describe—

(i) immediate remedies for the unsanitary and unsafe conditions present at the locations described in subparagraph (A); and

(ii) how long-term quality of life improvements will be provided for the horses described in paragraph (1);

SEC. 382. INCLUSION OF LAND UNDER JURISDICTION OF DEPARTMENT OF DEFENSE SUBJECT TO LONG-TERM REAL ESTATE LEASE OR EASEMENT AS COMMUNITY INFRASTRUCTURE FOR PURPOSES OF DEFENSE COMMUNITY INFRASTRUCTURE PROGRAM.

Section 2391(e)(4)(A)(i) of title 10, United States Code, is amended by inserting before the semicolon the following: "or on land under the jurisdiction of a Secretary of a military department subject to a long-term real estate agreement, such as a lease or an easement;".

SEC. 383. RESTRICTION ON PROCUREMENT OR PURCHASING BY DEPARTMENT OF DEFENSE OF TURNOUT GEAR FOR FIREFIGHTERS CONTAINING PERFLUORALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not obligate or expend funds to discontinue or prepare to discontinue, including through substitution in training and operational employment, the Marine Mammal System program that has been or is currently being used for Mine Search Capability with a mine search capability that the Secretary has—

(1) identified as a replacement capability and the necessary quantity of systems to carry out such capability to meet all operational requirements currently being met by the Marine Mammal System program; and

(2) mine search capabilities, commonly known as Mark–6 systems;

(b) WAIVER.—The Secretary of the Navy may waive the prohibition under subsection (a) if the Secretary, with the concurrence of the Director of Operational Test and Evaluation of the Department of Defense, certifies to the congressional defense committees in writing that the Secretary has—

(1) identified a replacement capability and the necessary quantity of systems to carry out such capability to meet all operational requirements currently being met by the Marine Mammal System program; and

(2) mine search capabilities, commonly known as Mark–7 systems.

SEC. 384. CONTINUED DESIGNATION OF SEC- RETY OF THE NAVY AS EXECUTIVE DIRECTOR OF NAVAL SMALL CRAFT INSTRUCTION AND TECH- NICAL TRAINING SCHOOL.

The Secretary of the Navy shall continue, through fiscal year 2023—

(1) to perform the responsibilities of the Department of Defense executive agent for the Naval Small Craft Instruction and Technical Training School pursuant to section 352(b) of title 10, United States Code; and

(2) to provide such support, as necessary, for the continued operation of such school.

SEC. 385. PROHIBITION ON USE OF FUNDS TO DISCONTINUE THE MARINE MAMMAL SYSTEM PROGRAM.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of the Navy may not obligate or expend funds to discontinue or prepare to discontinue, including through substitution in training and operational employment, the Marine Mammal System program that has been or is currently being used for—

(A) the cost per unit and number of units to be procured of each non-tactical vehicle (trucks, buses, vans, etc.); or

(B) the cost associated with building the required infrastructure to support electric non-tactical vehicles, including charging stations and electric grid requirements;

(C) a per-unit lifecycle cost comparison between electric vehicles and combustion engine vehicles of each electric truck versus conventional truck, etc.;

(D) maintenance requirements of electric vehicles compared to combustion engine vehicles;

(E) for each military department, a cost comparison over periods of three, five, 10,
and 15 years of pursuing an electric non-tactical vehicle fleet versus continuing with combustion engine non-tactical vehicles.

(2) An assessment of the current and projected surging shortages for lithium, cobalt, and nickel from Taiwan, India, member countries of the North Atlantic Treaty Organization, and major allies of the North Atlantic Treaty Organization.

(3) An assessment of the current and projected supply chain shortages for electric vehicles, set forth by industry.

(4) A cost-benefit analysis of the cost associated with building the required infrastructure to support electric non-tactical vehicles, including charging stations and electric grid requirements.

(5) An assessment of the security risks associated with data collection conducted with respect to electric vehicles and related computer systems.

(6) An assessment of the current range requirements for electric vehicle compared to combustion engine vehicles and the average life of vehicles of the Department necessary to maintain current readiness requirements of the Department.

(7) An assessment of maintenance requirements of electric vehicles compared to combustion engine vehicles.

(8) A cost-benefit analysis of the time, cost, and any security risks associated with maintenance of electric non-tactical vehicles compared to combustion engine non-tactical vehicles.

(9) An assessment of the effect transitioning to electric non-tactical vehicles would have on the National Defense Stockpile administered by the Defense Logistics Agency.

(10) An identification of components for electric non-tactical vehicles that are currently being sourced from the People’s Republic of China.

(11) An assessment of the long-term cost and benefit to the Department of being an early adopter of hydrogen-powered vehicles and advanced-biofuel-powered vehicles.

(12) An assessment of the long-term availability to the Department of internal combustion engines and spare parts for such engines, including whether or not they will be manufactured in the United States or repairable with parts made in the United States and imported from the United States.

(13) A comparison of the relative risk to personnel of the Department, budgetary impacts, and impacts on the supply chain between the two types of vehicles to determine the tradeoffs associated with the adoption and use of any particular fuel type.

(c) ADDITIONAL PROHIBITION.—No funds may be obligated or expended for the Department of Defense for the procurement of non-tactical electric vehicles, advanced-biofuel-powered vehicles, hydrogen-powered vehicles, or any components or spare parts associated with such vehicles that are not in compliance with subpart 22.15 of the Federal Acquisition Regulation (or any successor regulations), on the Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor.

(d) DEFINITIONS.—In this section:

(1) ADVANCED-BIOFUEL-POWERED VEHICLE.—The term ‘‘advanced-biofuel-powered vehicle’’ includes a vehicle that uses a fuel described in section 900313(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 100313(A)).

(2) CHARGING STATION.—The term ‘‘charging station’’ means a parking space with electric vehicle supply equipment that supplies electrical energy for the recharging of electric vehicles with at least a level 2 charger.

(3) ELECTRIC GRID REQUIREMENTS.—The term ‘‘electric grid requirements’’ means the power grid and infrastructure requirements needed to support plug-in electric vehicles and associated infrastructure.

(4) HYDROGEN-Powered VEHICLE.—The term ‘‘hydrogen-powered vehicle’’ means a vehicle that uses hydrogen as the main source of motive power through a fuel cell or internal combustion.

(5) NON-TACTICAL VEHICLE.—The term ‘‘non-tactical vehicle’’ means any commercial motor vehicle, material handling equipment, or engineering equipment that is acquired by the Department for administrative, direct mission, or operational support purposes.

SEC. 387. LIMITATION ON USE OF CHARGING STATIONS FOR PERSONAL ELECTRIC VEHICLES.

The Secretary of Defense may not permit the charging of personal electric vehicles provided by the Department of Defense unless the charging infrastructure for such stations allows for the receipt of payment for such charging.

SEC. 388. PILOT PROGRAMS FOR TACTICAL VEHICLE SAFETY DATA COLLECTION.

(a) IN GENERAL.—Not later than October 1, 2023, the Secretary of the Army and the Secretary of the Navy shall establish a pilot program to evaluate the utility of using data recorders to monitor, assess, and improve readiness and the safety operation of military tactical vehicles.

(b) DURATION.—Each pilot program initiated under this section, the Secretary of the Army and the Secretary of the Navy shall—

(1) carry out the pilot program at not fewer than six months.

(c) REQUIREMENTS.—In carrying out a pilot program under this section, the Secretary of the Army and the Secretary of the Navy shall—

(1) select a data recorder capable of collecting and event data to improve individual vehicle performance.

(2) install data recorders on a sufficient number of each type of military tactical vehicle specified in subsection (a) to gain statistically significant results.

(3) establish and maintain a data repository for operation and event data captured by the data recorder; and

(4) evaluate processes to leverage operation and event data to improve individual vehicle operator performance, identify instances of reported vehicle performance, and identify vehicle-type specific operating conditions that increase the risk of accidents or mishaps.

(5) Military Tactical Vehicles Specified.—Military tactical vehicles specified in this subsection are the following:

(1) High Mobility Multipurpose Wheeled Vehicles.

(2) Family of Medium Tactical Vehicles.

(3) Medium Tactical Vehicle Replacements.

(4) Heavy Expanded Mobility Tactical Trucks.

(5) Light Armored Vehicles.

(6) Striker armored combat vehicles.

(7) Such other military tactical vehicles as the Secretary of the Army or the Secretary of the Navy considers appropriate.

(e) IMPLEMENTATION PLAN.—Not later than October 11, 2022, the Secretary of the Army and the Secretary of the Navy shall each submit to the congressional defense committees a report on the pilot program carried out under this section by the Secretary concerned, including—

(1) an analysis of the impacts and findings regarding the utility of using data recorders to monitor, assess, and improve readiness and the safe operation of military tactical vehicles;

(2) adjustments made, if any, to the implementation plans developed under section (e); and

(3) any other matters as determined appropriate by the Secretary concerned.

(g) ASSESSMENT REQUIRED.—Not later than December 15, 2025, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees an assessment of the pilot programs carried out under this section, including—

(1) insights and findings regarding the utility of using data recorders to monitor, assess, and improve readiness and the safe operation of military tactical vehicles;

(2) an assessment of the utility of establishing enduring programs to use data recorders to monitor, assess, and improve readiness and the safe operation of military tactical vehicles;

(3) an assessment of the scope, size, and estimated cost of such an enduring program; and

(4) any other matters as the Secretary of the Army and the Secretary of the Navy determine appropriate.

TITLE IV—MILITARY PERSONNEL AUTORIZATIONS

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, 2023, as follows:

(1) The Army, 473,000.

(2) The Navy, 351,000.

(3) The Marine Corps, 177,000.


(5) The Space Force, 8,600.

SEC. 402. END STRENGTH LEVELS. AUTHORIZATIONS TO SUPPORT NATIONAL DEFENSE STRATEGY.

(a) IN GENERAL.—Section 691 of title 10, United States Code, is repealed.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 691.

(c) CERTAIN ACTIVE-DUTY AND SELECTED RESERVE STRENGTHS.—Section 115 of such title is amended—

(1) in subsection (f), by striking ‘‘increase’’ and inserting ‘‘decrease’’; and

(2) in subsection (g), by striking paragraphs (A) and (B) and inserting the following new subparagraphs:

‘‘(A) a decrease in the end strength pursuant to subsection (a)(1)(A) for a fiscal year for the armed forces under the jurisdiction of that Secretary by a number not equal to more than 2 percent of such authorized end strength; and

(B) a decrease in the end strength pursuant to subsection (a)(2) for a fiscal year for the Select Reserve of the reserve component of the armed forces or forces under the jurisdiction of that Secretary by a number equal to or more than 2 percent of such authorized end strength.’’.
SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—The minimum number of military technicians (dual status) as of the last day of fiscal year 2023 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.—The number of temporary military technicians (dual-status) employed under the authority of subparagraph (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 National Guard, in order to preserve the number of a reserve component. If a military technician (dual status) declines to participate in such realignment or conversion, no further action will be taken regarding the individual or the individual’s position.

SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVITY FOR OPERATIONAL SUPPORT.

During fiscal year 2023, 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 113(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. MILITARY PERSONNEL AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2023 for the purposes authorized under section 113(b) of title 10, United States Code, as follows:

(1) The Army National Guard of the United States, 396,000.
(2) The Army Reserve, 189,500.
(3) The Navy Reserve, 97,700.
(4) The Marine Corps Reserve, 33,000.
(6) The Air Force Reserve, 70,000.
(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 SERVICES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2023, as follows:

(1) The Army National Guard of the United States, 30,845.
(2) The Army Reserve, 16,511.
(3) The Navy Reserve, 10,077.
(4) The Marine Corps Reserve, 2,388.
(6) The Air Force Reserve, 6,003.

SEC. 502. EXTENSION OF TIME LIMITATION FOR GRADE RETENTION WHILE AWAITING RETIREMENT.

Section 601(b)(5) of title 10, United States Code, is amended by striking ‘‘retirement, but not for more than 60 days:’’ and inserting the following: ‘‘retirement, but not for more than 60 days: and’’.

SEC. 503. REALIGNMENT IN NAVY DISTRIBUTION OF FLAG OFFICERS SERVING IN THE GRADES OF ADMIRAL, ADMIRAL (FIVE-STAR) RANK, AND GENERAL (FIVE-STAR) RANK.

Section 523(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ‘‘33’’ and inserting ‘‘34’’;
(2) in subparagraph (C), by striking ‘‘50’’ and inserting ‘‘49’’.

SEC. 504. UPDATING WARRANT OFFICER SELECTION AND PROMOTION AUTHORITY.

(a) CONVENING OF SELECTION BOARDS.—Section 573 of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘(g) Upon the request of a warrant officer, the Secretary of the military department concerned may, when authorized by the Secretary concerned, recommend warrant officers for promotion to the next higher grade, notwithstanding the provisions of section 573 of this title:’’.

(b) PROMOTIONS: EFFECT OF FAILURE OF SELECTION BOARD:.—Section 577 of title 10, United States Code, is amended by striking the period at the end of the second sentence and inserting ‘‘, or a warrant officer excluded under section 576(c) of this title, or in support of a contingency operation, to be recommended for promotion, a selection board may, when authorized by the Secretary concerned, recommend warrant officers of particular merit, from among those warrant officers selected for promotion, to be recommended for promotion to the next higher grade, contained in the board’s report under section 576(c) of this title.’’.

(c) RECOMMENDATION FOR PROMOTION BY SELECTION BOARDS.—Section 575 of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘(e)(1) In selecting the warrant officers to be recommended for promotion, a selection board may, when authorized by the Secretary concerned, recommend warrant officers of particular merit, from among those warrant officers selected for promotion, to be recommended for promotion to the next higher grade, contained in the board’s report under section 576(c) of this title.’’.

SEC. 505. CONSIDERATION OF ADVERSE INFORMATION.

Section 589 of title 10, United States Code, is amended—

(1) by inserting ‘‘(A)’’ before ‘‘If the Secretary concerned:’’;
(2) by adding at the end the following new subparagraph:

‘‘(B) Nothing in this section shall be construed to prevent a Secretary concerned from furnishing such adverse information concerning an officer subject to consideration for promotion to the grade for which the officer requests the exclusion from consideration.’’.

SEC. 506. GRADE RETENTION WHILE AWAITING RETIREMENT.

(b) PROMOTIONS: EFFECT OF FAILURE OF SELECTION BOARD:.—Section 577 of title 10, United States Code, is amended by striking the period at the end of the second sentence and inserting ‘‘, or a warrant officer excluded under section 576(c) of this title, or in support of a contingency operation, to be recommended for promotion, a selection board may, when authorized by the Secretary concerned, recommend warrant officers of particular merit, from among those warrant officers selected for promotion, to be recommended for promotion to the next higher grade, contained in the board’s report under section 576(c) of this title.’’.

(c) RECOMMENDATION FOR PROMOTION BY SELECTION BOARDS.—Section 575 of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘(e)(1) In selecting the warrant officers to be recommended for promotion, a selection board may, when authorized by the Secretary concerned, recommend warrant officers of particular merit, from among those warrant officers selected for promotion, to be recommended for promotion to the next higher grade, contained in the board’s report under section 576(c) of this title.’’.

SEC. 507. GRADE RETENTION WHILE AWAITING RETIREMENT.

Section 601(b)(5) of title 10, United States Code, is amended by striking ‘‘retirement, but not for more than 60 days:’’ and inserting the following: ‘‘retirement, but not for more than 60 days: and’’.
SEC. 506. REPEAL OF REQUIREMENT FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE TO CONDUCT REPORTS AND REVIEW.

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1701 note) is amended—

(1) by striking “REQUIREMENT.—Each request”;

(2) by striking the last sentence of subsection (c) and inserting in its place: “Failing to provide reasonable assurance that the Secretary concerned is in compliance with the requirements of paragraphs (1) and (2) of subsection (a) and section 3721(b) of title 10, United States Code, is a failure to carry out a requirement of the Committee on Armed Services of the Senate to submit a report to the Committee on Armed Services of the House of Representatives a briefing outlining how many members of the National Guard are performing Active Guard and Reserve duty for purposes of performing training of the regular components of the Armed Forces as the primary duty”;

(c) BRIEFING ON PERFORMANCE OF TRAINING.

Section 576(c) of title 10, United States Code, is amended by striking paragraph (6) and inserting—

“(6) in subsection (k) (as so redesignated)—

“(A) order of the Secretary of Defense; or

“(B) by the Governor concerned to the later of—

(i) the effective date on or after January 1, 2024, for Active Guard and Reserve forces of the United States; and

(ii) the date the National Guard Bureau determines that the Secretary of Defense determines that the activation of any unit, or any member of the Individual Ready Reserve, is ordered to active duty under authority of subsection (c), the service of all units or members so ordered to active duty may be terminated by—

“(A) order of the Secretary of State; or

“(B) law.”;

and

(2) by striking the last sentence of subsection (k) and inserting in its place—

“(k) A selection board convened under section 573(a) of this title shall, when authorized by the Secretary concerned to do so, order a member of the National Guard impacted by subsection (c) of section 328(b) of title 32, United States Code, to be promoted to the rank of major general, lieutenant colonel, or colonel, respective.

SEC. 511. AUTHORITY TO WAIVE REQUIREMENT FOR PROMOTIONS.

Section 523(c)(2) of title 10, United States Code, is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and inserting after paragraph (3)—

“(4) in paragraph (1) of subsection (d), as redesignated by paragraph (2) of this section, the following:

“(A) order of the Secretary of State; or

“(B) law.”.

SEC. 512. SELECTED RESERVE AND READY RESERVE ORDER OF SENIORITY.

Section 12304 of title 10, United States Code, is amended—

(1) in subsection (a) the heading, by striking “AUTHORIZED TOWAIVE” and inserting “OPERATIONAL MISSIONS AND CERTAIN OTHER EMERGENCIES”;

(2) by redesignating subsections (c) through (j) as subsections (d) through (k), respectively;

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

“(c) SIGNIFICANT CYBER INCIDENT.—The Secretary of Defense may, without the consent of the member concerned, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Selected Reserve or Individual Ready Reserve to active duty for a continuous period of not more than 365 days when the Secretary of Defense determines it is necessary to augment the active forces for a Department of Defense response to a covered incident.”;

(4) in paragraph (1) of subsection (d), as redesignated by paragraph (2) of this section, the following:

“(i) order of the Secretary of State; or

“(ii) by the Governor concerned to the later of—

(A) order of the Secretary of Defense; or

(B) law.”;

SEC. 513. BACKDATING OF EFFECTIVE DATE OF RANK FOR RESERVE OFFICERS IN THE NATIONAL GUARD DUE TO UNINCIDELAYS IN FEDERAL RECOGNITION.

Paragraph (2) of section 14308(b) of title 10, United States Code, is amended to read as follows:

“(2) If there is a delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force that exceeds 100 days from the date the National Guard Bureau determines such officer’s application for Federal recognition to be completely submitted to the State and ready for review at the National Guard Bureau, and the delay was not attributable to the action or inaction of such officer, then—

“A. in the event of State promotion with an effective date on or after January 1, 2024, the effective date of the promotion concerned under paragraph (1) may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion; and

“B. in the event of State promotion with an effective date on or after January 1, 2024, the effective date of the promotion concerned under paragraph (1) shall be adjusted by 100 days from the date determined by the Secretary concerned.”.
the State and ready for review at the National Guard Bureau; and
(ii) the date on which the officer occupies a billet in the next higher grade.

SEC. 514. INDEPENDENT STUDY ON FEDERAL RECOGNITION PROCESS.
(a) INDEPENDENT STUDY.—
(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on the National Guard commissioned officer and warrant officer promotion system and provide recommendations to the Department of the Army, the Department of the Air Force, the Department of the Army, the National Guard Bureau, and individual State National Guard commands.

(b) REQUIREMENTS.—The study referred to in paragraph (1) shall include a comprehensive review and assessment of the following:
(A) Reasons for delays in processing personnel actions for Federal recognition of State National Guard member promotions.
(B) The Federal recognition process used to extend Federal recognition to State promotions.
(C) Best practices among the various State National Guards for managing their requirements for the existing National Guard promotion system.
(D) Possible improvements to require policy, procedures, workflow, or resource processes that result in Federal recognition of state promotions.
(E) An assessment of the feasibility of developing or adopting a commercially available software for the National Guard Bureau to manage the promotion process of Federal recognition.
(F) Possible metrics to evaluate effectiveness of any recommendations made.
(G) Possible remedies for undue delays in Federal recognition, including adjustment to the effective date of promotion beyond current statutory authorities.
(H) Any other matters the federal-funding research and development center determines relevant.

(c) REPORT.—
(A) IN GENERAL.—The contract under paragraph (1) shall require the federally funded research and development center to conduct the study under the contract to submit to the Secretary of Defense, the Secretary of the Army, the Secretary of the Air Force, and the Chief of the National Guard Bureau a report on the results of the study.
(B) SUBMISSION TO CONGRESS.—Upon receiving the report required under subparagraph (A), the Secretary of Defense shall submit an unedited copy of the report results to the congressional defense committees within 30 days of receiving the report from the federally funded research and development corporation.

(d) REPORTING REQUIREMENT.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter until the date specified in paragraph (3), the Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force as appropriate, 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 the current status of the Federal recognition process for National Guard promotions.

(e) REPORT.—The report required under paragraph (1) shall include the following elements:
(A) An update on efforts to transition to fully digital processes in accordance with recommendations made pursuant to subsection (a).
(B) The average processing time for personnel actions related to Federal recognition of reserve commissioned officer promotions in the Army and Air National Guards, respectively, and the time in days from the date at which the National Guard Bureau received the promotion until the date at which Federal recognition was granted.
(C) The time it took during the previous fiscal year to extend Federal recognition.
(D) The number of Army and Air National Guard commissioned officer promotions that delays greater than 90 days in the previous fiscal year.
(E) A summary of any additional resources or authorities needed to further streamline the Federal recognition processes to reduce average Federal recognition processing time to 90 days or fewer.
(F) Any other information that the Secretaries concerned deem relevant.

(e) EXPIRATION OF ANNUAL REPORTING REQUIREMENT.—The date referred to in paragraph (1) is a calendar year.

SEC. 515. CONTINUED NATIONAL GUARD SUPPORT FOR FIREGUARD PROGRAM.
(a) REQUIRED SUPPORT THOUGH FISCAL YEAR 2028.—Beginning on September 30, 2022, the Secretary of Defense shall continue to support the FireGuard program with National Guard personnel, including personnel from the California National Guard and Colorado National Guard, to aggregate, analyze, and track wildland fires across the United States, and to monitor wildfires for Federal recognition.

(b) NOTICE AND WAIT REQUIREMENT AFTER FISCAL YEAR 2028.—Beginning on October 1, 2026, the Secretary of Defense may not reduce the support described under subsection (a), or transfer responsibility for such support to any interagency partner, until 30 days after the Secretary submits a written notice of the proposed change to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives for written comments and recommendations concerning the proposed change, and reasons for the change.

SEC. 516. INCLUSION OF UNITED STATES NAVAL RESERVE AS AMONG YOUTH AND CHARITABLE ORGANIZATIONS AUTHORIZED TO RECEIVE ASSISTANCE FROM THE NATIONAL GUARD.
Section 508(d) of title 32, United States Code, is amended to read as follows:
"(b) The Congress declares that the Secretary of Defense shall—
(1) by redesignating paragraph (14) as paragraph (15); and
(2) by inserting after paragraph (13) the following new paragraph:
'(14) The United States Naval Sea Cadet Corps;'

Subtitle C—General Service Authorities and Military Records
SEC. 521. MODERNIZATION OF THE SELECTIVE SERVICE SYSTEM.
(a) REFERENCE.—Except as expressly provided in this title, any reference in this title to a section or other provision shall be deemed to be a reference to that section or other provision of theSelective Service Act (50 U.S.C. 3801 et seq.).

(b) PURPOSE OF SELECTIVE SERVICE.—Subsection (b) of section 1 (50 U.S.C. 3801) is amended to read as follows:
"(b) The President declares that the security of the Nation requires that adequate military strength be achieved and main-tained by ensuring a requisite number of personnel with the necessary capabilities to meet the diverse mobilization needs of the Department of Defense during a time of war or national emergency."

(c) SOLEMNITY OF MILITARY SERVICE.—Section 3 (50 U.S.C. 3802) is amended by adding at the end the following:
"(e) The Congress declares that the service described pursuant to subsection (a) shall include methods to convey to every person required to register the solemn obligation for military service if not called into training or service under this Act."

(d) EXPANDED REGISTRATION TO ALL AMERICANS.—
(1) Section 3(a) (50 U.S.C. 3802(a)) is amended—
(A) by striking "‘male citizen’; and inserting "‘citizen’;"
(B) by striking "‘male person’; and inserting "‘person’;"
(C) by striking "‘present himself’; and inserting "‘appear’; and"
(D) by striking "‘so long as he’; and inserting "‘so long as such alien’."
(2) Section 4(e) (50 U.S.C. 3803(e)) is amended by striking "enlisted men" and inserting "persons".
(3) Section 5 (50 U.S.C. 3805) is amended—
(A) in subsection (a)—
(i) by striking "on account of race or color" and inserting "on account of race, color, creed, or national origin"; and
(ii) by striking "the call for persons"; and
(B) in subsection (b), by striking "men" each place it appears and inserting "persons".

(4) Section 6 (50 U.S.C. 3806) is amended—
(A) in subsection (a)—
(i) by striking "other than wives alone, except in cases of extreme hardship"; and
(ii) by striking "wives and children" and inserting "spouses and children".
(5) Section 10(b)(3) (50 U.S.C. 3809(b)(3)) is amended—
(A) by striking "persons who are" and inserting "persons who are"; and
(B) by striking "the President is requested to" and inserting "the President is required to".
(6) Section 16(a) (50 U.S.C. 3814(a)) is amended—
(A) by striking "men" and inserting "persons".

(e) MAINTAINING THE HEALTH OF THE SELECTIVE SERVICE SYSTEM.—Section 10(a) (50 U.S.C. 3809(a)) is amended by adding at the end the following new paragraph:
"(b) The Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes to evaluate and test the effectiveness of such plans, systems, and processes. Once every 4 years, the exercise shall include the full range of internal and external procedures to ensure functionality and interoperability and may take place as part of the Department of Defense mobilization exercise under section 3806 of title 32, United States Code. The Selective Service System shall conduct a public awareness campaign in conjunction..."
with each exercise to communicate the purpose of the exercise to the public.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—The Military Selective Service Act is amended—

(1) in section 4 (50 U.S.C. 3803)—

(A) in subsection (a)(3) in the third undesignated paragraph—

(i) by striking ‘‘his acceptability in all respects’’ and inserting ‘‘such person’s acceptability in all respects, including such person’s’’; and

(ii) by striking ‘‘he may prescribe’’ and inserting ‘‘the President may prescribe’’;

(B) in subsection (c)—

(i) in paragraph (2), by striking ‘‘any enlisted member and inserting ‘‘any person who is enlisted member’’; and

(ii) in paragraphs (3), (4), and (5), by striking ‘‘in which he resides’’ and inserting ‘‘in which such person resides’’;

(C) in subsection (g), by striking ‘‘coordinate with him’’ and inserting ‘‘coordinate with the Director’’; and

(D) in subsection (k)(1), by striking ‘‘finding by him’’ and inserting ‘‘finding by the President’’;

(2) in section 5(d) (50 U.S.C. 3805(d)), by striking ‘‘he may prescribe’’ and inserting ‘‘the President may prescribe’’;

(3) in section 6 (50 U.S.C. 3806)—

(A) in subsection (c)(2)(D), by striking ‘‘he may prescribe’’ and inserting ‘‘the President may prescribe’’;

(B) in subsection (d)(3), by striking ‘‘he may deem appropriate’’ and inserting ‘‘the President considers appropriate’’; and

(C) in subsection (h), by striking ‘‘he may prescribe’’ each place it appears and inserting ‘‘the President may prescribe’’;

(4) in section 10 (50 U.S.C. 3809)—

(A) in subsection (b)—

(i) in paragraph (3)—

(I) by striking ‘‘He shall create’’ and inserting ‘‘The President shall create’’;

(II) by striking ‘‘upon his own motion’’ and inserting ‘‘upon the President’s own motion’’;

(ii) in paragraph (4), by striking ‘‘his status’’ and inserting ‘‘such individual’s status’’; and

(iii) in paragraphs (4), (6), (8), and (9), by striking ‘‘may deem’’ each place it appears and inserting ‘‘the President considers’’; and

(B) in subsection (c), by striking ‘‘vested in him’’ and inserting ‘‘vested in the President’’;

(5) in section 13(b) (50 U.S.C. 3812(b)), by striking ‘‘regulation if he’’ and inserting ‘‘regulation if the President’’;

(6) in section 15 (50 U.S.C. 3813)—

(A) in subsection (b), by striking ‘‘his’’ each place it appears and inserting ‘‘the registrant’s’’;

(B) in subsection (d), by striking ‘‘he may deem’’ and inserting ‘‘the President considers’’;

(C) in subsection (g), by striking ‘‘as defined in section 717 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat 868; 10 U.S.C. 1073 note).”

(g) E FFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsection (d) shall take effect 1 year after such date of enactment.

SECTION 522. PROHIBITION ON INDUCTION UNDER THE MILITARY SELECTIVE SERVICE ACT WITHOUT EXPRESS AUTHORIZATION

Section 9 of the Military Selective Service Act (50 U.S.C. 3809) is amended by adding at the end the following new subsection:

(1) He is not authorized for training and service in the Armed Forces under this title unless Congress first passes and enacts a law expressly authorizing such induction into the Armed Forces.

SEC. 523. EXTENSION OF TEMPORARY AUTHORITY FOR TARGETED RECRUITMENT INCENTIVES

Section 522(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 503) is amended—

(1) by striking the semicolon and inserting a comma; and

(2) by striking ‘‘2020’’ and inserting ‘‘2025’’.

SEC. 524. HOME LEAVE DEMONSTRATION PROGRAM

(A) In General.—During the period specified in subsection (f), the Secretary of a military department may reimburse an eligible member of the armed forces for the cost of airfare for that member to travel to the home of record of the member.

(B) Eligible Members.—A member of the armed forces is eligible for a reimbursement under subsection (f) with respect to travel described in that subsection if—

(1) the member—

(A) is assigned to a duty location in Alaska; and

(B) as of any date during the period specified in subsection (f), has been assigned to a duty location in Alaska for a period of one year or more;

(2) after an evaluation of the member by a mental health provider, that provider recommends, in writing, that the member leave to which the member was assigned under section 704 of title 10, United States Code, to travel away from Alaska for the health and well-being of the member; and

(3) an officer of O-6 or higher in the chain of command of the member authorizes the travel of the member.

(C) TREATMENT OF TIME AS LEAVE.—The time during which a member receives a reimbursement under subsection (a) with respect to travel described in that subsection is absent for duty for such travel shall be treated as leave for purposes of section 704 of title 10, United States Code.

(g) MENTAL HEALTH PROVIDER DEFINED.—In this section, the term ‘‘mental health provider’’ means—

(1) a health care provider of the Secretary of Defense at a facility of the Department or of a non-Departmental health care provider (as defined in section 717 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat 868; 10 U.S.C. 1073 note)).

SEC. 525. MODIFICATION TO LIMITATIONS ON DISCHARGE OR RELEASE FROM ACTIVE DUTY

Section 118(b)(10), United States Code, is amended by striking ‘‘A member of an armed force’’ and inserting ‘‘an active or reserve component of an armed force’’.

SEC. 526. SEX-NEUTRAL HIGH FITNESS STANDARDS FOR ARMY COMBAT OCCUPATIONAL SPECIALTIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall—

(1) establish sex-neutral fitness standards for combat Military Occupational Specialties (MOSs) that are higher than those for non-combat MOSs; and

(2) provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives describing—

(A) the list of combat MOSs established for purposes of paragraph (1); and

(B) the methodology used to determine whether to include such MOS on such list.

Subtitle D—Military Justice and Other Legal Matters

SEC. 541. BRIEFING AND REPORT ON RESOURCING REQUIRED FOR IMPLEMENTATION OF MILITARY JUSTICE REFORM

(a) BRIEFING AND REPORT REQUIRED.—Not later than March 3, 2023, and no less frequently than once every 180 days thereafter through December 31, 2024, each Secretary concerned shall provide to the appropriate congressional committees a briefing that details the resourcing necessary to implement subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–81) and the amendments made by that subtitle.

(b) REPORT.—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 subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–81) and the amendments made by that subtitle.
(3) FORM OF BRIEFING AND REPORT.—The Secretaries concerned may provide the briefings 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 personnel and personnel authorizations (military and civilian) required by the Armed Forces to implement and supervise the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(2) The basis for the numbers 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: personnel of different levels and expertise, laboratory personnel, defense counsel, special trial counsel, military defense counsel, military judges, military magistrates, and military paralegals.

(D) Any required increase in the number of personnel currently authorized in law to be assigned to the Armed Forces concerned.

(3) The nature and scope of any contract required by the Armed Forces concerned to implement and execute the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(4) The amount and type of additional funding required by the Armed Forces concerned to implement the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(5) Any additional authorities required to implement the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(b) MODIFIED REPORT.—Not later than 2 years after the date of the enactment of this Act, the President shall prescribe regulations implementing the requirement under paragraph (4) of section 825(e) of title 10, United States Code (article 24a of the Uniform Code of Military Justice), as added by subsection (a).

SEC. 543. MATTERS IN CONNECTION WITH SPECIAL TRIAL COUNSEL.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Paragraph (1)(A) of section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), as added by section 533 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1688), is amended—

(A) by striking “section 920 (article 120)” and inserting “section 919a (article 119a), section 919b (article 119b), section 920 (article 120), section 920a (article 120a), and section 920b (article 120b)”;

(B) by striking “child pornography” and inserting “the standalone offenses of child pornography, indecent conduct, indecent language to a child under the age of 16, and pandering and prostitution”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall—

(A) take effect on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81); and

(B) apply with respect to any offenses that occur after that date.

(b) RESIDUAL PROSECUTORIAL DUTIES AND OTHER JUDICIAL FUNCTIONS OF CONVENCING AUTHORITIES IN COVERED CASES.—The President shall prescribe regulations to ensure that residual prosecutorial duties and other judicial functions of convening authorities, including but not limited to granting immunity, ordering depositions, and hiring experts, with respect to charges and specifications over which a special trial counsel exercises authority pursuant to section 824a of title 10, United States Code (article 24a of the Uniform Code of Military Justice), transferred to the military judge, the special trial counsel, or other authority as appropriate in such cases by no later than the effective date of this section, including an identification of the authority to which the transferred authority is or will be aligned.

(c) AMENDMENT TO THE RULES FOR COURTS-MARTIAL.—The President shall prescribe such rules as are necessary to implement the rules for courts-martial and other Rules as appropriate to ensure that at the beginning of each court-martial convened, the presence of counsel is ascertained in open court and specify the name, rank, or position of the convening authority convening such court, unless such convening authority is the Secretary concerned, the Secretary of Defense, or the President.

(d) 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 the House of Representatives on the Secretary’s report assessing the holistic effect of the reforms contained in subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) on the military justice system.

SEC. 544. JURISDICTION OF COURTS OF CRIMINAL APPEALS.

(a) JURISDICTION.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)(1), by striking “shall have jurisdiction over” and all that follows through the period at the end of subparagraph (D) and inserting “shall have jurisdiction over”;

“(A) a timely appeal from the judgment of a court-martial, an original proceeding in the Court of Criminal Appeals by rule or order; and

(B) a summary court-martial case in which the accused filed a petition for a writ of habeas corpus and for review with the Court under section 869(d)(1)(B) of this title (section 68(d)(1)(B) of chapter 68, title 28, United States Code, as amended) and for which the application has been granted by the Court.”;

(2) in subsection (c), by striking “timely” and all that follows through the period at the end of paragraph (2) and inserting “is timely if—

“(1) in the case of an appeal under subparagraph (A) of such subsection, it is filed before the later of—

(A) the end of the 90-day period beginning on the date the accused is provided notice of appellate rights under section 865(c) of this title (article 65(c)); and

(b) REVIEW BY JUDGE ADVOCATE GENERAL.—Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice) is amended—

(1) by amending subsection (a) to read as follows:
“(a) IN GENERAL.—Upon application by the accused or receipt of the record pursuant to section 864(c)(3) of this title (article 64(c)(3)) and subject to subsections (b), (c), and (d), the Judge Advocate General may—

“(1) with respect to a summary court-martial, modify or set aside, in whole or in part, the findings and sentence; or

“(2) if a general or special court-martial, order such court-martial to be reviewed under section 866 of this title (article 66) and (c) of such title.

SEC. 545. SPECIAL TRIAL COUNSEL IN FISCAL YEAR 2021

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “(1)” before “To qualify”;

(2) in subsection (c)(2), by omitting “12-month” and inserting “the time of the incident”;

(3) in subsection (c)(3), by striking “adult sexual assault” and inserting “sexual assault involving adult sexual assault”;

(4) in subsection (c)(4), by striking “(B)” and inserting “(A)”; and

SEC. 546. EXCLUSION OF OFFICERS SERVING AS LEAD SPECIAL TRIAL COUNSEL FROM LIMITATIONS ON AUTHORIZED STRENGTHS FOR GENERAL OFFICERS

During the two-year period beginning on the date of the enactment of this Act, the limitations in section 528(a)(1) of title 10, United States Code, shall not apply to a general or flag officer serving in the position of lead special trial counsel pursuant to an appointment under section 1044f(a)(2) of such title.

SEC. 547. SPECIAL TRIAL COUNSEL OF DEPARTMENT OF THE AIR FORCE

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “The policies shall include” and inserting “Subject to subsection (c), the policies shall”;

(2) in subsection (c) and (d), by striking “special trial counsel” and inserting “the special trial counsel who shall be responsible for the overall supervision and oversight of the activities of the special trial counsel of the Department of the Air Force.”;

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the coming into effect of the provisions of this title.

SEC. 548. RESTRICTED REPORTING OPTION FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES CHOOSING TO REPORT EXPERIENCING ADULT SEXUAL ASSAULT

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§1599j. Restricted reports of incidents of adult sexual assault

“(a) RESTRICTED REPORTS.—The Secretary of Defense may designate a competent civilian employee of the Department of Defense an opportunity to submit to an individual described in subsection (d) a report of an alleged incident of sexual assault for the purpose of assisting the employee in obtaining information and access to authorized victim support services provided by the Department.

“(b) RESTRICTIONS ON DISCLOSURES AND INITIATING INVESTIGATIONS.—Unless the Secretary determines that a disclosure is necessary to protect a serious and imminent safety threat to the employee submitting the report or to another person, a restricted report submitted pursuant to subsection (a) shall not--

“(1) be disclosed to the supervisor of the employee or any other management official;

“(2) cause the initiation of a Federal civil or criminal investigation;

“(c) DUTIES UNDER OTHER LAWS.—The receipt of a restricted report submitted pursuant to subsection (a) may be interpreted as interacting actual or constructive knowledge of an alleged incident of sexual assault to the Department of Defense for any purpose.

“(d) INSURANCE COVERAGE FOR INJURIES RECEIVING RESTRICTED REPORTS.—An individual described in this subsection is an individual who performs victim advocate duties under a program for one or more of the following purposes (or any other program designated by the Secretary):

“(1) Victim advocacy.

“(2) Equal employment opportunity.

“(3) Workplace violence prevention and response.

“(4) Employee assistance.

“(5) Family advocacy.

“(e) DEFINITIONS.—In this section:

“(1) CIVILIAN EMPLOYEE.—The term ‘civilian employee’ has the meaning given the term ‘employee’ in section 2105 of title 5.

“(1) SEXUAL ASSAULT.—The term ‘sexual assault’ has the meaning given that term in Article 120, Uniform Code of Military Justice (10 U.S.C. 920), and includes penetrative offenses and sexual contact offenses.”.

(b) CLEMINIAL.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1599j. Restricted reports of incidents of adult sexual assault.”

SEC. 549. IMPROVEMENTS TO DEPARTMENT OF DEFENSE RESPONSE TO INCIDENTS OF CHILD ABUSE, ADULT CRIMES AGAINST CHILDREN, AND SERIOUS HARMFUL BEHAVIOR BETWEEN CHILDREN AND YOUTH INVOLVING MILITARY DEPENDENTS ON MILITARY INSTALLATIONS


(1) by striking “problematic sexual behavior in children and youth” and inserting “incidents”; and

(2) by striking “, regardless of whether the alleged offender was another child, an adult, or someone in a noncaretaking role at the time of the incident,”;

(b) RESPONSE PROCEDURES FOR INCIDENTS OF SERIOUS HARM TO CHILDREN.—Subsection (c) of such section is amended—

(1) in the subsection heading, by striking “REPORTED TO FAMILY ADVOCACY PROGRAM” and inserting “REPORTED TO FAMILY ADVOCACY PROGRAM OR COMMUNITY RESPONSE TEAM.”;

(2) by redesigning paragraph (1) as subparagraph (A) and moving such subparagraph, as so redesignated, 2 ems to the right;

(3) by striking “The Secretary of Defense shall establish guidelines for each Serious Harmful Behaviors Between Children and Youth Multidisciplinary Team, as defined in paragraph (8), and shall develop a program by which—

“(i) The Family Response Programs;” and

“(ii) The military departments screen incidents of serious harmful behavior between children
and youth under subsection (a)(2)(C) to determine whether to convene the Serious Harmful Behavior Between Children and Youth Multidisciplinary Team.

(6) by inserting ‘‘, as described in subsection (a)(2)(A) and (a)(2)(B),’’ after ‘‘reported incidents of child abuse’’; and

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

‘‘(8) SERIOUS HARMFUL BEHAVIOR BETWEEN CHILDREN AND YOUTH MULTIDISCIPLINARY TEAM—In this subsection, the term ‘Serious Harmful Behavior Between Children and Youth Multidisciplinary Team’ means the crisis response team on a military installation—

‘‘(A) composed of designated members with the requisite experience, qualifications, and skills of the institution and serious harmful behaviors between children and youth from a developmentally appropriate and trauma-informed perspective; and

‘‘(B) with objectives that include development of procedures for information sharing, collaborative and coordinated response, restorative resolution, effective investigations and assessments, evidence-based clinical interventions and rehabilitation, and prevention of serious harmful behavior between children and youth.’’

SEC. 550. PRIMARY PREVENTION.

(a) ANNUAL PRIMARY PREVENTION RESEARCH AGENDA.—Section 549A(c) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (5), (6), and (7), respectively;

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

‘‘(2) include a focus on whether and to what extent sub-populations of the military community may be targeted for interpersonal violence more than others;’’;

(3) by striking paragraphs (6), (7), and (8) and redesignating paragraphs (1), (2), and (3) respectively as paragraphs (7), (8), and (9);

(4) in subsection (c), by amending the text to read as follows:

‘‘(6) cooperate with other Federal departments and agencies, including the Department of Health and Human Services and the Centers for Disease Control and Prevention, State governments, academia, industry, Federally funded research and development centers, nonprofit organizations, and other organizations outside of the Department of Defense, including civilian institutions that conduct similar data-driven studies, collect, analyze, and disseminate data;’’;

(b) PRIMARY PREVENTION WORKFORCE.—Section 549B of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—

(1) by substituting ‘‘not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall require the military departments and the United States Special Operations Command to complete a review and appropriately update departmental guidance and processes, consistent with section 117(e)(2)(J) of title 10, United States Code, with respect to the authority of the Commander of the United States Special Operations Command to monitor the promotions of special operations forces and coordinate with the military departments regarding the assignment, retention, training, military education, and special and incentive pays of special operations forces.’’ for ‘‘not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall require the military departments and the United States Special Operations Command to complete a review and appropriately update departmental guidance and processes, consistent with section 117(e)(2)(J) of title 10, United States Code, with respect to the authority of the Commander of the United States Special Operations Command to monitor the promotions of special operations forces and coordinate with the military departments regarding the assignment, retention, training, military education, and special and incentive pays of special operations forces.’’;

(c) ELEMENTS OF REVIEW.—The review and updates to departmental guidance and processes required under subsection (a) shall address the respective roles of the military departments and the United States Special Operations Command—

(1) the recruiting, retention, professional military education, and promotion of special operations personnel;

(2) the sharing of personnel data between the military departments and the United States Special Operations Command; and

(3) any other matters the Secretary of Defense determines necessary.

(d) REPORT.—Not later than 180 days after the completion of the review and updates to departmental guidance and processes required under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the review and updates to departmental guidance and processes. The report shall also include any recommended changes to law or resources deemed appropriate by the Secretary.

SEC. 561. REVIEW OF CERTAIN SPECIAL OPERATIONS PERSONNEL POLICIES.

(a) REVIEW REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall require the military departments and the United States Special Operations Command to review the Sexual Assault Prevention and Response Office, the coordinated distribution and referral of information on the availability of resources provided by civilian legal service organizations to military-connected sexual assault victims.

Subtitle E—Member Education, Training, and Transition

SEC. 561. REVIEW OF CERTAIN SPECIAL OPERATIONS PERSONNEL POLICIES.

(a) REVIEW REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall require the military departments and the United States Special Operations Command to complete a review and appropriately update departmental guidance and processes, consistent with section 117(e)(2)(J) of title 10, United States Code, with respect to the authority of the Commander of the United States Special Operations Command to monitor the promotions of special operations forces and coordinate with the military departments regarding the assignment, retention, training, military education, and special and incentive pays of special operations forces.

(b) ELEMENTS OF REVIEW.—The review and updates to departmental guidance and processes required under subsection (a) shall address the respective roles of the military departments and the United States Special Operations Command—

(1) the recruiting, retention, professional military education, and promotion of special operations personnel;

(2) the sharing of personnel data between the military departments and the United States Special Operations Command; and

(3) any other matters the Secretary of Defense determines necessary.

(c) REPORT.—Not later than 180 days after the completion of the review and updates to departmental guidance and processes required under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the review and updates to departmental guidance and processes. The report shall also include any recommended changes to law or resources deemed appropriate by the Secretary.

SEC. 562. EXPANDED ELIGIBILITY TO PROVIDE JUNIOR RESERVE OFFICERS’ TRAINING PROGRAM (JROTC) INSTRUCTION.

(a) PRE-SERVICE EDUCATION DEMONSTRATION PROGRAM AUTHORIZED.—The Secretary of each military department may establish and maintain a demonstration program to determine the advisability and feasibility of paying all or a portion of the charges of an educational institution for the tuition of an individual who is enrolled in such educational institution for a technical or vocational degree, certificate, or certification program to meet a critical need in that military department.

(b) ELIGIBILITY.—The Secretary shall limit eligibility under the program to individuals who meet the following requirements:

(1) Must be between the age of 17 and 25.

(2) Must be a category 1 recruit.

(3) Must sign a written agreement concerning the requirements under subsection (c).

(4) DEMONSTRATION PROGRAM REQUIREMENTS.—Under regulations prescribed by the Secretary concerned, each demonstration program created under this section shall adhere to the following requirements:

(1) The educational institution must be authorized under subsection (a) and may not exceed a period of 3 years.

(2) Funds may not be provided under the program to an eligible individual unless the individual signs an enlistment contract for active duty military service upon the completion of the educational program for which the funds were provided.

(3) Individuals participating in the demonstration program shall be evaluated annually to ensure continued eligibility for military service.

(4) Individuals participating in the program shall be required to enroll in an on-going service member guidance and orientation program to prepare such individuals for military service and ensure their continued fitness and eligibility for service. The course of instruction may be administered either remotely or in-person, as the Secretary shall direct. The service pre-instruction shall be concurrent with the degree program authorized pursuant to subsection (a).

(5) Individuals who do not maintain eligibility for military service may be required to repay any funds provided by the Secretary concerned under this section.

(d) REPORT.—For any demonstration programs initiated under this section, the Secretary concerned shall submit an annual report to the Committees on Armed Services of the
the Senate and the House of Representatives that includes—
(1) a description of the demonstration program;
(2) a statement of the goals or anticipated outcomes of the demonstration program;
(3) a description of the method and metrics used to evaluate the effectiveness of this demonstration program; and
(4) any other matters the Secretary concerned determines relevant.
(e) SUNSET.—The authority under this section expires on October 1, 2028.

Subtitle F—Military Family Readiness and Dependents’ Education
SEC. 571. 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 education 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. 770b).
(2) LOCAL EDUCATIONAL AGENCY DEFINED.—In this subsection, the term ‘local educational agency’ has the meaning given that term in section 7013(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(b)).
(3) FUNDING FOR FISCAL YEAR 2023.—Of the amount authorized to be appropriated for fiscal year 2023 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 payment 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. 9103).
(4) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated for fiscal year 2023 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 payment to local educational agencies determined by the Secretary to have higher concentrations of military children with severe disabilities.

(b) EFFECT.—Not later than March 31, 2023, the Secretary shall provide coordination and technical assistance to the local educational agency for which funds are available under this subsection.

SEC. 572. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.
(a) ASSISTANCE AUTHORIZED.—To assist communities in making adjustments resulting from the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in subsection (b) if, during the period between the end of the school year preceding the fiscal year for which the assistance is authorized and the center is in construction, the Secretary shall notify each local educational agency that is eligible for assistance under subsection (a) that fiscal year for which funds are made available for that fiscal year under that subsection.

(b) ELIGIBLE USES.—Amounts disbursed to a local educational agency under subsection (f) may be used by such local educational agency for—
(1) general fund purposes;
(2) special education;
(3) school maintenance and operation;
(4) school expansion; or
(5) school construction.
(c) DEFINITIONS.—In this section:
(1) BASE CLOSURE PROCESS.—The term ‘base closure process’ means any base closure, realignment, or deactivation conducted after the date of enactment of this Act.
(2) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given that term in section 7013(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(b)).
(3) MILITARY DEPENDENT STUDENTS.—The term ‘military dependent students’ means—
(A) elementary and secondary school students who are dependents of members of the Armed Forces; and
(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.
(4) STATE.—The term ‘State’ means each of the 50 States and the District of Columbia.

SEC. 573. PILOT PROGRAM ON HIRING OF SPECIAL EDUCATION INCLUSION COORDINATORS FOR DEPARTMENT OF DEFENSE CHILD DEVELOPMENT CENTERS.
(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall carry out a pilot program to hire special education inclusion coordinators at child development centers selected by the Secretary under subsection (b).

(b) SELECTION OF CENTERS.—The Secretary of Defense shall select the child development centers at which the program required by subsection (a) will be carried out based on—
(1) the number of dependent children enrolled in the Exceptional Family Member Program at the military installation on which the center is located;
(2) the number of children with special needs enrolled in the center; and
(3) such other considerations as the Secretary, in consultation with the Secretaries of the military departments, considers appropriate.
(c) FUNCTIONS.—Each special education inclusion coordinator assigned to a child development center under the pilot program required by subsection (a) shall—
(1) coordinate intervention and inclusion services at the center;
SEC. 582. REPORT ON OFFICER PERSONNEL MANAGEMENT AND THE DEVELOPMENT OF THE PROFESSIONAL MILITARY ETHIC

(a) REPORT REQUIRED.—Not later than June 1, 2023, the Secretary of the Air Force shall submit to the Senate and the House of Representatives a report on officer personnel management and the development of a professional military ethic in the Space Force.

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

(1) A description of issues related to officer development in the Space Force, including—
(A) the professional military education (PME) model and the education and continual learning of officers in the Space Force;
(B) the career development model for officers in the Space Force, including key knowledge, skills, and attributes expected of Space Force officers at each of the company grade, field grade, and general officer levels;
(C) the overall suicide rate for each service and how those are distinct from military occupational specialty code, or any other time limitation with respect to the awarding of any medals to persons who served in the Armed Forces, the President may award the Medal of Honor to a commissioned officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard, or to a warrant officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard, upon the recommendation of the Secretary concerned.

(c) INTERIM BRIEFING.—Not later than June 1, 2024, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the progress of the Space Force in fulfilling its mission in the space domain.

(d) A description of issues related to the professional military ethic in the Space Force, including—
(A) how the proposed talent management system, career development model, PME model, and professional military ethic will affect the development of a uniquely military culture in the Space Force as a military service with Space as a warfighting domain;
(B) the role of the professional military ethic in the Space Force, including expectations of commissioned officers as public servants and military leaders;
(C) the expected role of Space Force civilians in the development and stewardship of the Space Force as a professional military service and the differences between those roles from military members in the Space Force;
(D) the ethical implications of creating a force that is designed to “partner effectively with other elements of national power” as described in the Guardian Ideal, and how the Space Force intends to address any ethical conflicts arising from its desired close partnerships with non-military and non-governmental entities in private industry; and
(E) any other issues related to personnel management and the development of officers in the Space Force that the Secretary concerned determines relevant.

SEC. 583. REPORT ON INTERIM JOB CODE BY MILITARY JOB CODE IN THE DEPARTMENT OF DEFENSE

(a) REPORT.—Not later than December 31, 2023, the Secretary of Defense shall conduct a review and 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 rates of suicides in the Armed Forces, beginning after September 11, 2001, disaggregated by year, military job code, service specialty code (AFSOC), Armed Forces Classification Code, or any other time limitation with respect to the awarding of any medals to persons who served in the Armed Forces.

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

(1) A description of suicide data by military job code to determine which military career fields have a higher per capita suicide rate compared to—
(A) other military career fields for the same period;
(B) the overall suicide rate for each service for the same period;
(C) the overall suicide rate for the Department of Defense for the same period; and
(D) the national suicide rate for the same period.

(2) A disaggregation of suicide data by age categories consistent with the Department of Defense Annual Suicide Report age categories.

(c) PERIODIC REPORTS.—Not later than June 1, 2024, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the progress of the Space Force in fulfilling its mission in the space domain.

(d) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of Master Sergeant Roderick W. Edmonds on January 27, 1945, as a prisoner of war and member of the United States Army in support of the Battle of the Bulge, for which he has been never recognized by the United States Army.

SEC. 585. AUTHORIZATION TO AWARD MEDAL OF HONOR TO MAJOR DAVID H. HALBURGER FOR ACTS OF VALOR IN COMBAT AGAINST UNNAMED OPERATIONS

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7271 of title 10, United States Code, or any other time limitation with respect to the awarding of any medals to persons who served in the Armed Forces, the President may award the Medal of Honor to Major David H. Halburger for acts of valor in combat against unnamed operations in 2012.

(b) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of Major David H. Halburger on January 27, 1945, as a prisoner of war and member of the United States Army in support of the Battle of the Bulge, for which he has been never recognized by the United States Army.
persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of title 26 of the United States Code, is amended—

(b) ACTS OF VALOR DESCRIBED.—The acts of valor described in subsection (b) of section 2881a of title 10, United States Code, are amended—

(1) by inserting ‘‘subsection (a) in the most recent 12 months.’’.

SEC. 587. POSTHUMOUS APPOINTMENT OF ULYSSES S. GRANT TO GRADE OF GENERAL OF THE ARMIES OF THE UNITED STATES.

The President is authorized to appoint Ulysses S. Grant posthumously to the grade of General of the Armies of the United States equivalent to the rank and precedence held by General John Pershing pursuant to the Act entitled ‘‘An Act Relating to the creation of the office of General of the Armies of the United States’’, approved September 3, 1919 (31 Stat. 506). [199]

SEC. 588. MODIFICATION TO NOTIFICATION ON MANNING OF AFLOAT NAVAL FORCES.

(a) CREWING REQUIREMENT.—Subsection (e) of section 597 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 8013 note) is amended to read as follows:

‘‘(e) CREWING REQUIREMENT.—Beginning October 1, 2025, the Secretary of the Navy may not assign more than one crew to a covered surface combatant vessel if any surface combatant vessel is included on a report required under subsection (a) in the most recent 12 months.’’.

(b) SURFACE VESSEL DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

‘‘(4) SURFACE COMBATANT VESSEL.—The term ‘surface combatant vessel’ means any littoral combat ship (including the LCS-1 and LCS-2 classes), frigate (including the FFG-72 class), destroyer (including the DDG–51 and DDG–1000 classes), or cruiser (including the CG–47 class).’’.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SUBTITLE A—CIVIL Rewards and Advantages

SEC. 601. TEMPORARY EXTENSION OF BASIC ALLOWANCE FOR HOUSING FOR MEMBERS WHOSE SOLE DEPENDENT DIES WHILE RESIDING WITH THE MEMBER.—(1) Notwithstanding subsection (a)(2) or any other provision of law, the Secretary of Defense, or the Secretary of Homeland Security in the case of the Coast Guard, when not operating as a service in the Navy, may continue to pay to a member described in paragraph (2) for the period described in paragraph (3) a basic allowance at the rate to which the member was entitled on the day before the date of the death of the dependent of the member.

SEC. 603. BASIC ALLOWANCE FOR HOUSING FOR MEMBERS WHOSE SOLE DEPENDENT WHEN HOME PORT CHANGE WOULD FINANCIALLY DISADVANTAGE MEMBER.—

Subsection (p) of section 403 of title 37, United States Code, as redesignated by section 601(a)(1), is further amended—

(1) by redesignating subsections (m) and (n) of such section as if the unit to which the member was assigned.

(2) by inserting ‘‘(1)’’ before ‘‘In the case of a member who is assigned’’; and

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

‘‘(2)(A) In the case of a member without dependents who is assigned to a unit that undergoes a change of home port or a change of permanent duty station, if the Secretary concerned certifies that it would be inequitable to base the member’s entitlement to, and amount of, a basic allowance for housing on the new home port or permanent duty station, the Secretary concerned may—

(i) waive the requirement to base the member’s entitlement to, and amount of, a basic allowance for housing on the new home port or permanent duty station; and

(ii) treat that member for the purposes of this section as if the unit to which the member is assigned did not undergo such a change of home port or permanent duty station.’’.

(2) The Secretary concerned may grant a waiver under subparagraph (A) to not more than 100 members in any calendar year.

SEC. 603. TEMPORARY EXTENSION OF BASIC ALLOWANCE FOR MEMBERS WHOSE SOLE DEPENDENT DIES WHILE RESIDING WITH THE MEMBER.—(1) Notwithstanding subsection (a)(2) or any other provision of law, the Secretary of Defense, or the Secretary of Homeland Security in the case of the Coast Guard when not operating as a service in the Navy, may continue to pay to a member described in paragraph (2) for the period described in paragraph (3) a basic allowance at the rate to which the member was entitled on the day before the date of the death of the dependent of the member.

(2) A member described in this paragraph is a member of the uniformed services whose sole dependent dies while—

(A) the member is on active duty; and

(B) the dependent resides with the member, unless separated—

(i) by the necessity of military service;

(ii) to receive institutional care as a result of disability or incapacitation; or

(iii) under such other circumstances as the Secretary concerned may by regulation prescribe.

(3)(A) Except as provided by subparagraph (B), the period described in this paragraph is the 365-day period beginning on the date of the death of the dependent of a member described in paragraph (2).

(B) A member described in paragraph (2) who is separated during the period described in subparagraph (A) in the most recent 12 months may continue to receive a basic allowance for housing at the rate provided for under paragraph (1) after the permanent change of station or permanent change of assignment referred to in subparagraph (A) and under the permanent change of station or permanent change of assignment referred to in subparagraph (A).

(4) A member described in paragraph (2) who is separated during the period described in subparagraph (A) in the most recent 12 months may continue to pay to a member described in paragraph (2) a basic allowance for housing at the rate provided for under paragraph (1) after the permanent change of station or permanent change of assignment referred to in subparagraph (A) and under the permanent change of station or permanent change of assignment referred to in subparagraph (A).

(5)(A) In the case of a member described in paragraph (2) who is separated during the period described in subparagraph (A) in the most recent 12 months, the Secretary concerned may grant a waiver under subparagraph (A) to not more than 100 members in any calendar year.

(B) The Secretary concerned may grant a waiver under subparagraph (A) to not more than 100 members in any calendar year.

(6) Not later than March 1 of each calendar year, the Secretary concerned shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the use of the authority provided by subparagraph (A) during the preceding calendar year that includes—

(1) the number of members granted a waiver under subparagraph (A) during that year; and
“(ii) for each such waiver, an identification of—
“(I) the grade of the member;
“(II) the home port or permanent duty station of the unit to which the member is assigned before the change described in subparagraph (A); and
“(III) the new home port or permanent duty station of that unit.
“(D) This paragraph shall cease to be effective on December 31, 2027.”.

SEC. 603. EXTENSION OF AUTHORITY TO TEMPORARILY ADJUST BASIC ALLOWANCE FOR HOUSING IN CERTAIN AREAS.

Section 463(b)(c)(C) of title 37, United States Code, is amended by striking “2022” and inserting “2023”.

SEC. 604. INCREASE IN INCOME FOR PURPOSES OF ELIGIBILITY FOR BASIC NEEDS ALLOWANCE.

(a) IN GENERAL.—Section 402(b) of title 37, United States Code, is amended by striking “130 percent” both places it appears and inserting “150 percent”.

(b) IMPLEMENTATION.—Not later than January 1, 2024, the Secretary concerned shall publish regulations to implement this section.

SEC. 605. CONFORMING AMENDMENTS TO UP DATE REFERENCES TO TRAVEL AND TRANSPORTATION AUTHORITYs.

(a) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 256(c)(2)(B)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(c)(2)(B)(ii)) is amended by striking “sections 403a and 475” and inserting “sections 403b and 405”.

(b) TITLE 5.—Title 5, United States Code, is amended—
“(1) in section 4109(a)(2)—
“(A) in subparagraph (A), by striking “sections 405 and 475” and inserting “sections 405 and 495”;
“(B) in subparagraph (B), by striking “sections 476 and 497” and inserting “sections 476 and 497”;
“(2) in section 5725(c)(2)(B), by striking “section 476(b)(1)(H)(iii) and inserting “sections (c) and (d) of section 475”; and
“(3) in section 5725(c)(3), by striking “subsection (c) in subsection (c), by striking “section 481b” and inserting “section 451a” and inserting “subsection (d)—
“(1) in paragraph (1) by striking “section 474(d)” and inserting “section 464”; and
“(II) in paragraph (3), by striking “section 481d(1)” and inserting “section 452d(1)”; and
“(c) TITLE 10.—Title 10, United States Code, is amended—
“(1) in section 710—
“(A) in subsection (a), in the matter preceding clause (i), by striking “section 474” and inserting “section 452”; and
“(B) in subsection (b), by striking “section 481f” and inserting “section 475f”; and
“(2) in section 1175(a)(2)(B), by striking “sections 474 and 476” and inserting “sections 452 and 453(c)”; and
“(3) in section 1175(j), by striking “sections 474 and 476” and inserting “sections 452 and 453(c)”; and
“(4) in section 1175a(e)(2)(B), by striking “sections 474 and 476” and inserting “sections 452 and 453(c)”; and
“(5) in section 1194(d)(3), by striking “section 490(2)(a)” and inserting “section 452(2)(a)”; and
“(6) in section 2013(b)(2)—
“(A) in subparagraph (A), by striking “sections 474 and 476” and inserting “sections 405 and 452”;
“(B) in subparagraph (B), by striking “sections 474 and 476” and inserting “sections 452 and 453(c)”; and
“(c) SECTION 475.—Section 475 of title 37, United States Code, is amended—
“(1) in subsection (a), in the third sentence, by striking “sections 206 and 495” and inserting “sections 206 and 495”;
“(2) in subsection (b)(2)(A), by striking “section 495” and inserting “section 455”;
“(3) in subsection (b)(6), by striking “section 481(h)” and inserting “section 481f”;
“(A) in subsection (a), by striking “section 481f(d)” and inserting “section 481f(f)”;
“(B) in subsection (b)(2)(A), by striking “section 495” and inserting “section 455”;
“(C) in subsection (c), by striking “section 455”;
“(D) in paragraph (1), by striking “section 452(b)(1)” and inserting “section 452c(b)(1)”; and
“(2) in section 403—
“(B) in subsection (c), by striking “section 481f” and inserting “section 481f(2)”; and
“(2) in section 420(b), by striking “sections 475” and inserting “section 452”; and
“(3) in section 476—
“(I) the home port or permanent duty station of that unit;
“(II) the home port or permanent duty station of that unit;
“(III) the new home port or permanent duty station of that unit.
“(D) This paragraph shall cease to be effective on December 31, 2027.”.

SEC. 610. AUTHORITY RELATING TO TITLE 37 CONFORMING BONUS AND SPECIAL PAY AUTHORITIES.

(a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 495(b) 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, 2022” and inserting “December 31, 2023”.

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROVIDERS.—The following sections of title 10, United States Code, are amended by striking “December 31, 2022” and inserting “December 31, 2023”:
“(1) Section 2130(a)(1), relating to nurse officer candidate access program.
“(2) Section 18302(d), relating to repayment of educational loans for certain health professionals who serve in the Selective Reserve.
“(3) Section 2334, relating to basic needs allowance for officers.
“(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.
“(5) Section 335(g), relating to special bonus and incentive pay authorities for officers in both professions.
“(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.
“(7) Section 335(i), relating to skill incentive pay or proficiency bonus.
“(8) Section 335(j), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.
“(9) AUTHORITY TO PROVIDE TEMPORARY ADJUSTMENTS IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section 495(b) of title 37, United States Code, is amended—
“(1) in paragraph (7)(E), by striking “December 31, 2022” and inserting “December 31, 2023”;
“(2) in paragraph (8)(C), by striking “September 30, 2022” and inserting “December 31, 2023”.

SEC. 612. REPEAL OF SUNSET OF HAZARDOUS DUTY PAY.

Subsection (h) of section 351 of title 37, United States Code, is repealed.

SEC. 613. AUTHORIZATION OF ASSIGNMENT PAY OR SPECIAL DUTY PAY BASED ON CLIMATE IN WHICH A MEMBER’S DUTIES ARE PERFORMED.

Section 351(b) of title 37, United States Code, is amended by inserting “climate,” after “location,”.

Subtitle C—Leave

SEC. 621. MODIFICATION OF AUTHORITY TO ALLOW MEMBERS OF THE ARMED FORCES TO ACCUMULATE LEAVE IN EXCESS OF 60 DAYS.

(a) IN GENERAL.—Section 701(f) of title 10, United States Code, is amended to read as follows:
“(f) The Secretary concerned, under uniform regulations to be prescribed by the Secretary of Defense, may authorize a member
described in paragraph (2) who, except for this subsection, would lose at the end of the fiscal year any accumulated leave in excess of the number of days of leave authorized to be accumulated under subsection (b), to retain an accumulated total of 90 days leave.

“(2) This subsection applies to a member who—

(A) serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 518(a) of title 37.

(B) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

(C) serves on active duty in a duty assignment in support of a contingency operation.

“(3) Leave accumulated by a member under this subsection in excess of the number of days of leave authorized under subsection (b) is forfeited unless it is used by the member before the end of the second fiscal year after the fiscal year in which the service or assignment described in paragraph (B) of the member terminated.”.

(b) TRANSITION RULE.—Notwithstanding paragraph (3) of section 701(f) of title 10, United States Code, as amended by subsection (a), leave in excess of 90 days accumulated by a member under section 701(f) of title 10, United States Code, on or before September 30, 2025, or the retention of such leave is authorized under another provision of law.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 2023.

SEC. 622. TECHNICAL AMENDMENTS TO LEAVE ENTITLEMENT AND ACCUMULATION.

(a) REPEAL OF OBSOLETE AUTHORITY.—Section 701 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (m) as subsections (d) through (l).

(b) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(1) TITLE II.—Section 2508(a) of title 14, United States Code, is amended by striking “section 701(f)(2)” and inserting “section 701(e)(3).”

(2) TITLE III.—Title 37, United States Code, is amended—

(A) in section 501—

(i) in subsection (b)(6), by striking “120 days of leave under section 701(f)(1)” and inserting “90 days of leave under section 701(e)”; and

(ii) in subsection (h), by striking “section 701(g)” and inserting “section 701(e)”; and

(B) in section 502(b), by striking “section 701(h)” and inserting “section 701(g).”

(c) ESTATES CODE.—Section 502(e) of title 37, United States Code, is amended by striking “(1) The Secretary”, and inserting “(1) Unless otherwise required by paragraph (1) of subsection (a), the Secretary”.

(d) RULE OF CONSTRUCTION.—The amendments made by this section take effect on January 1, 2023.

SEC. 623. CONVALESCENT LEAVE FOR MEMBERS OF THE AIR NATIONAL GUARD AND RESERVE COMPONENT FORCES.

(a) IN GENERAL.—Section 701 of title 10, United States Code, as amended by section 622(a), is further amended by adding at the end the following:

“(m) Except as provided by subsection (b)(3), and under regulations prescribed by the Secretary of Defense, a member of the armed forces diagnosed with a medical condition is allowed convalescent leave if—

(A) the member’s medical or behavioral health provider recommends continued service on active duty as being in the best interest of the Department of the Air Force, as determined by the Secretary; and

(B) the member has not more than three years and not less than one year remaining on an active duty service obligation under section 653 of title 10, United States Code.

(b) RATED OFFICERS DESIGNATED.—

(1) IN GENERAL.—Under the demonstration program required under subsection (a), the Secretary shall offer retention incentives to a member described in subsection (b) who has not more than three years and not less than one year remaining on an active duty service obligation under section 653 of title 10, United States Code.

(2) EXCEPTION.—If the Secretary of the Air Force determines that an assignment previously guaranteed under subsection (d)(1) to a rated officer described in subsection (b) cannot be fulfilled, and, considered in conjunction with the birth of a child, the Secretary shall provide to the member a guarantee of future assignment locations based on the preference of the officer.

(3) COMBINATION OF INCENTIVES.—The Secretary may offer to a rated officer described in subsection (b) a combination of future assignment locations based on the preference of the officer, after the demonstration program has concluded.

(c) ANNUAL BRIEFING.—Not later than December 31, 2023, and annually thereafter until the termination of the demonstration program required under subsection (a), the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing describing the use of such demonstration program and its effects on the ability of a rated officer serving on active duty in the Air Force of rated officers described in subsection (b).

(d) DEFINITIONS.—In this section:

(1) RATED OFFICER.—The term “rated officer” means an officer specified in section 2923 of title 10, United States Code.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Air Force.

(e) TERMINATION.—This section shall terminate on December 31, 2028.

TITLe VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. IMPROVEMENTS TO THE TRICARE DENIAL PROGRAM.

(a) IN GENERAL.—Section 1076a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “(1)” and inserting the following:

“(1) IN GENERAL.—The plans’; and

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

“(2) PREMIUM SHARING PLANS.—The regulations required by paragraph (1) shall include,
with respect to premium sharing plans referred to in subsection (d)(1), the following elements:

(A) A third party administrator shall manage the administrative features of such plans, including eligibility, enrollment, plan change and premium payment processes, submission of qualifying life events changes, and adverse changes.

(B) Such plans shall include the following three enrollment options:

(i) Self.

(ii) Self plus one.

(iii) Family.

(C) In the United States, to the extent practicable, such eligible to enroll in such a plan shall be offered options to enroll in plans of not fewer than four national dental insurance carriers.

(D) To the extent practicable, each carrier described in subparagraph (C)—

(i) shall manage dental care delivery matters, including claims adjudication (with required electronic submission of claims), coordination of benefits, covered services, enrollment verification, and provider networks;

(ii) shall, in addition to offering a standard option plan consistent with the requirements of this section, offer a high option plan that provides more covered services;

(iii) shall, in addition to managing the dental plan managed as a dental health maintenance organization plan;

(iv) shall establish and operate dental provider networks that provide—

(I) accessible care with a prevention or wellness focus;

(II) continuity of care;

(III) coordinated care (including appropriate dental and medical referrals);

(IV) patient-centered care (including effective, efficient, and individualized care, and shared decision-making); and

(V) high-quality, safe care;

(v) shall develop and implement adult and pediatric dental quality measures, including effective measurements for—

(I) access to care;

(II) continuity of care;

(III) cost;

(IV) adverse patient events;

(V) oral health outcomes; and

(VI) patient experience; and

(vi) of Veterans Health Administration provider networks, to the extent practicable, pilot programs on the development of a model of care based on, or referred to as patient-centered dental homes."

(2) in subsection (d)(1)—

(A) in subparagraph (B), by striking the second sentence;

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) The amount of the premium required under subparagraph (A)—

(i) for standard option plans described in subsection (b)(2)(C)(i), shall be established by the Secretary annually such that in the aggregated taking into account the adjustments under subparagraph (D) and subsection (e)(2)(C), the Secretary's share of each premium is 60 percent of the premium for each enrollment category (self, self plus one, and family) of each standard option plan; and

(ii) for non-standard option plans described in clauses (i) and (ii) of subsection (b)(2)(C), shall be equal to the amount determined under clause (i) plus 100 percent of the additional premium amount applicable to such enrollment category of option plan."; and

(C) by striking subparagraph (D) and inserting the following new subparagraph (D):

"(D) The Secretary of Defense shall reduce the premium as required to be paid under paragraph (1) in the case of enlisted members in pay grade E-1, E-2, E-3, or E-4:";

(3) in subsection (e), by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall reduce copayments required to be paid under paragraph (1) in the case of enlisted members in pay grade E-1, E-2, E-3, or E-4;"; and

(4) in subsection (j), by striking "plan established under this paragraph and inserting "standard option plan described in subsection (b)(2)(C)(ii)";

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2025.

(c) RULE MAKING AUTHORITY.—

(1) IN GENERAL.—In general the Secretary shall implement the dental program improvements on the date specified in subsection (b), the Secretary of Defense shall, not later than January 1, 2024, issue an interim final regulation consistent with the provisions of section 1076a of title 10, United States Code, as amended by subsection (a), that will be in effect on the date specified in such section as of the date of the enactment of this Act.

(2) MAINTENANCE OF COVERED SERVICES.—The regulation required by paragraph (1) shall ensure that covered services under standard option plans described in subsection (b)(2)(C)(ii) of section 1076a of title 10, United States Code, as added by subsection (a), shall be no less than those services under such section in effect as of the date of the enactment of this Act.

SEC. 702. HEALTH BENEFITS FOR MEMBERS OF THE NATIONAL GUARD FOLLOWING REQUIRED TRAINING OR OTHER DUTY TO RESPOND TO A NATIONAL EMERGENCY.

(a) TRANSITIONAL HEALTH CARE.—Subsection (a)(2) of section 1145 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(G) A member of the National Guard who is separated from full-time National Guard Duty to which he or she was entitled under section 502(f) of title 32 for a period of active service of more than 30 days to perform duties that are authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds."

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (C), by striking "active duty" and inserting "active service";

(B) in paragraph (3), by striking "paragraph (2)(B)

and inserting "paragraph (D)";

(C) in paragraph (4)—

(i) by striking "active duty" each place it appears and inserting "active service"; and

(ii) in the second sentence, by striking "or (D)" and inserting "(D), or (G)";

(D) in paragraph (5), in subparagraphs (A) and (B), by striking "active duty" each place it appears and inserting "active service"; and

(E) in paragraph (7)(A)—

(i) by striking "or duty" and inserting "or service"; and

(ii) by striking "active for" and inserting "active service for";

(2) in subsection (b) this section striking "active duty" and inserting "active service";

(3) in subsection (d)(1)(A), by striking "active duty" and inserting "active service";

SEC. 703. CONFORMING AMENDMENTS FOR MENTAL HEALTH CARE SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—In order to reinforce the policies of eliminating stigma in obtaining mental health care services and further encourage help-seeking behavior by members of the Armed Forces, not later than January 1, 2023, the Secretary of Defense shall—

(1) update and reissue Department of Defense Instruction 6490.08, entitled "Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members", and issued on August 17, 2011, taking into account—

(A) experience implementing the Instruc-

(b) opportunities to more effectively dispel stigma in obtaining mental health care services and encourage help-seeking behavior; and

(c) develop standards within the Depart-

(2) The amendments required by subsection (a)(2) shall include the following elements:

(1) Requirements for confidentiality regarding the results of any drug testing incidental to mental health care services.

(2) Procedures that reflect best practices of the mental health profession with respect to suicide prevention.

(3) Prohibition on retaliating against a member of the Armed Forces who requests mental health care services.

(4) Such other elements as the Secretary determines will most effectively support the policies of—

(A) eliminating stigma in obtaining mental health care services; and

(B) encouraging help-seeking behavior by members of the Armed Forces.

(c) JOINT POLICY WITH THE SECRETARY OF VETERANS AFFAIRS.

(1) IN GENERAL.—Not later than July 1, 2023, the Secretary of Defense and the Secretary of Veterans Affairs shall issue a joint policy that provides, except in the case of exigent circumstances, for confidentiality of mental health care services provided to the Department of Veterans Affairs and members of the Armed Forces, including members of reserve components of the Armed Forces, under sections 1712A, 1728F, 1729H, and 1789 of title 38, United States Code, and other applicable law.

(2) ELEMENTS.—The joint policy issued under paragraph (1) shall, to the extent practicable, establish standards comparable to the standards developed under subsection (a)(2).

(d) REPORT.—Not later than July 1, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a copy of the standards developed under subsection (a)(2) and the joint policy issued under subsection (c).

(e) EXIGENT CIRCUMSTANCE DEFINED.—In this section, the term "exigent circumstance" means a circumstance in which the Secretary of Defense determines the need to prevent serious harm to individuals or essential military functions clearly outweighs the need for confidentiality of information obtained by a health care provider incidental to mental health care services voluntarily sought by a member of the Armed Forces.
SEC. 704. IMPROVEMENT OF REFERRALS FOR SPECIALTY CARE UNDER TRICARE PRIME DURING PERMANENT CHANGES OF STATION.

(a) In general.—Section 714 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1076a) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) Improvement of Specialty Care Referrals During Permanent Changes of Station.—In conducting evaluations and improvements on the referral process described in subsection (a), the Secretary shall ensure beneficiaries enrolled in TRICARE Prime who are undergoing a permanent change of station receive referrals from their primary care manager to such specialty care providers in the new location as the beneficiary may need before undergoing the permanent change of station.";

(b) Briefing.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the technical requirements preventing record sharing between civilian provider networks under the TRICARE program that lead to increased wait times for care referrals of members of the Armed Forces and their dependents undergoing permanent changes of station across provider network regions.

SEC. 705. STUDY ON PROVIDING BENEFITS UNDER TRICARE RESERVE SELECT AND TRICARE DENTAL PROGRAM TO MEMBERS OF THE SELECTED RESERVE AND THEIR DEPENDENTS.

(a) Study.—The Secretary of Defense may conduct a study on the feasibility, potential cost effects, and the benefits of the Department of Defense, changes in out-of-pocket costs to beneficiaries, and effects on other Federal programs of expanding eligibility for TRICARE Reserve Select and the TRICARE dental program to include all members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, their dependents, and their non-dependent children under the age of 26.

(b) Specifications.—If the Secretary conducts the study under subsection (a), the Secretary shall include in the study an assessment of the following:

(1) Cost-shifting to the Department of Defense to support the expansion of TRICARE Reserve Select and the TRICARE dental program from—

(A) health benefit plans under chapter 89 of title 5, United States Code;

(B) employer-sponsored health insurance;

(C) private health insurance;

(D) insurance under a State health care exchange; and

(E) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) New costs for the Department of Defense to enroll in TRICARE Reserve Select and the TRICARE dental program members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces who were not entitled to those benefits.

(3) The resources needed to implement TRICARE Reserve Select and the TRICARE dental program for all such members, their dependents, and their non-dependent children under the age of 26.

(4) Cost-savings, if any, resulting from the expansion of TRICARE Reserve Select and the TRICARE dental program with increased training days performed in support of mass medical events during battle assem-

bles of the reserve components, including an assessment of the impact of such expansion on—

(A) medical readiness;

(B) overall military readiness rates;

(C) deployability timelines;

(D) fall-out rates at mobilization sites;

(E) cross-leveling of members of the reserve component to backfill medical fallouts at mobilization sites; and

(F) any other readiness metrics affected by such expansion.

(5) Any impact of such expansion on recruitment and retention of members of the Armed Forces, including members of the Ready Reserve of the reserve components of the Armed Forces.

(6) Cost-savings, if any, in contracts that implement the Reserve Health Readiness Program of the Department of Defense.

(c) Determination of Cost Effects.—If the Secretary of Defense studies the potential cost effects to the budget of the Department of Defense under subsection (a), the Secretary shall study the cost effects for the following scenarios of expanded eligibility for TRICARE Reserve Select and the TRICARE dental program:

(1) Free and unsubsidized premiums for members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, their dependents, and their non-dependent children under the age of 26.

(2) Premium free for such members and subsidized premiums for such dependents and non-dependent children.

(3) Subsidized premiums for such members, dependents, and non-dependent children.

(d) Use of Federally Funded Research and Development Center.—The Secretary may contract with a federally funded research and development center that is qualified and approved to conduct the study under subsection (a).

(e) Briefing; Report.—If the Secretary conducts the study under subsection (a), not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the methodology and approach of the study.

(f) Report.—If the Secretary conducts the study under subsection (a), not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study.

(g) Definitions.—In this section:

(1) TRICARE Dental Program.—The term "TRICARE dental program" means dental benefits under section 1076a of title 10, United States Code.

(2) TRICARE Reserve Select.—The term "TRICARE Reserve Select" means health benefits under section 1076d of such title.

Subtitle B—Health Care Administration

SEC. 721. IMPOSSIBILITIES TO ORGANIZATION OF MILITARY HEALTH SYSTEM.

(a) Feasibility Study for Superseding Organization for Defense Health Agency.

(1) Study and report required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense (referred to in this section as the "Secretary") shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary, to address the feasibility and requirements for the establishment of a defense health and medical readiness command (referred to in this section as the "command") for purposes of the report.

(b) Description of the command.—The Secretary shall include in the report a description of the organizational structure of the command, including any subordinate commands.

(c) Description of the command.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary, to address the feasibility and requirements for the establishment of a defense health and medical readiness command (referred to in this section as the "command") for purposes of the report.

(d) Authorization of appropriations.—The Secretary shall include in the report a description of the organizational structure of the command, including any subordinate commands.

(e) Authorization of appropriations.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary, to address the feasibility and requirements for the establishment of a defense health and medical readiness command (referred to in this section as the "command") for purposes of the report.

(f) Authorization of appropriations.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary, to address the feasibility and requirements for the establishment of a defense health and medical readiness command (referred to in this section as the "command") for purposes of the report.

(g) Authorization of appropriations.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary, to address the feasibility and requirements for the establishment of a defense health and medical readiness command (referred to in this section as the "command") for purposes of the report.

(h) Authorization of appropriations.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary, to address the feasibility and requirements for the establishment of a defense health and medical readiness command (referred to in this section as the "command") for purposes of the report.

SEC. 722. MILITARY HEALTH SYSTEM ORGANIZATION.

(a) In general.—Not later than one year after the submission of the plan required under paragraph (1) of subsection (b), the Secretary shall establish the Directorate within the Defense Health Agency.

(b) Plan required.—Not later than one year after the submission of the plan required under paragraph (1) of subsection (b), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary, to address the feasibility and requirements for the establishment of a defense health and medical readiness command (referred to in this section as the "command") for purposes of the report.
(B) LEADERSHIP.—The Directorate shall be led by the President of the Uniformed Services University of the Health Sciences.

(C) STRUCTURE.—The Directorate shall be comprised of:

(i) The Medical Education and Training Campus,

(ii) The College of Allied Health Sciences,

(iii) The Uniformed Services University of the Health Sciences,

(iv) The medical education and training commands and organizations of the military departments,

(v) Training programs of military departments affiliated with civilian academic institutions,

(vi) Such other elements, facilities, and commands of the Department of Defense as the Secretary considers appropriate.

SEC. 722. INCLUSION OF LEVEL THREE TRAUMA CENTERS OR AFFILIATED WITH PUBLIC HEALTH COMMAN D.

Section 1073d(b)(3) of title 10, United States Code, is amended by striking “or level two” and inserting “level two, or level three”.

SEC. 723. EXTENSION OF ACCOUNTABLE CARE ORGANIZATION DEMONSTRATION AND ANNUAL REPORT REQUIRE MENT.

(a) In General—The Secretary of Defense, acting through the Director of the Defense Health Agency, shall extend the duration of the Accountable Care Organization demonstration carried out by the Secretary, notice of which was published in the Federal Register on August 16, 2019 (84 Fed. Reg. 41974), (in this section referred to as the “Demonstration”) through December 31, 2023.

(b) Annual Report Required.—

(1) Not later than March 1 of each year during which the Demonstration is carried out, in 2023, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that describes the conduct of the Demonstration for the one-year period preceding the date of the report.

(2) Elements.—Each report submitted under paragraph (1) shall include the following:

(A) A description of how the Demonstration delivered performance of better health, better care, and lower cost,

(B) A description of the results of the Demonstration with respect to the following outcome measures:

(1) Clinical performance,

(2) Utilization improvement,

(3) Beneficiary engagement,

(4) Membership growth and retention,

(C) Case management.

(D) Continuity of care.

(E) Telehealth utilization.

(F) A description of how the Demonstration shifted financial risk from the TRICARE program to health care providers.

(G) A description of how investment in the Demonstration serves as a bridge to competitive demonstration by the Department of Defense with accountable care organizations in the future.

(H) A detailed description of locations for future competitive demonstrations by the Department with accountable care organizations.

(3) TRICARE PROGRAM DEFINED.—In this section, the term “TRICARE program” has the meaning given that term in section 1027(2) of title 10, United States Code.

SEC. 724. MODIFICATION OF REQUIREMENT TO TRANSFER ACCOUNTABLE CARE ORGANIZATION FUNCTIONS TO DEFENSE HEALTH AGENCY.

(a) Temporary Retention of Public Health Command.—At the determination of the Secretary of Defense, a military department may retain, until not later than September 30, 2023, a public health function that would otherwise become part of the Defense Health Agency Public Health under section 1073c(e)(2)(B) of title 10, United States Code, if such function:

(1) addresses a need that is unique to the military department; and

(2) is in direct support of operating forces and necessary for functions relating to national security and defense.

(b) Report.—

(1) In General—Not later than March 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 describes the public health functions that the Secretary has determined may be retained by a military department pursuant to subsection (a).

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

(A) A description of each public health function that the Secretary has determined may be retained by a military department pursuant to subsection (a).

(B) The rationale for each such determination.

(C) Recommendations for amendments to section 1073c of title 10, United States Code, to permit ongoing retention of public health functions by military departments.

(D) Modification to Names of Public Health Commands.—Section 1073c(e)(2)(B) of title 10, United States Code, is amended by striking “Army Public Health Command, the Navy-Marine Corps Public Health Command” and inserting “Army Public Health Center, the Navy-Marine Corps Public Health Center”.

SEC. 725. ESTABLISHMENT OF MILITARY HEALTH SYSTEM AND ANNUAL REPORT REQUIREMENT.

Section 1073d(b)(3) of title 10, United States Code, is amended by striking “or level two” and inserting “level two, or level three”.

SEC. 726. ESTABLISHMENT OF CENTERS OF EXCELLENCE AND SPECIALTY CARE IN THE MILITARY HEALTH SYSTEM.

(a) Centers of Excellence.—

(1) In General.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish regional centers of excellence for the provision of military specialty care to eligible beneficiaries at existing major medical centers of the Department of Defense.

(2) Satellite Centers.—The Secretary shall establish satellite centers of excellence to provide specialty care for certain conditions, such as—

(A) Post-traumatic stress;

(B) Traumatic brain injury; and

(C) Such other conditions as the Secretary considers appropriate.

(b) Readiness and Improvement of Care.—

Centers of excellence established under this subsection shall—

(A) ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces;

(B) improve the quality of health care received by eligible beneficiaries from the Department;

(C) improve health outcomes for eligible beneficiaries.

(c) Types of Centers of Excellence.—

(1) In General.—Centers of excellence shall be established under subsection (a) for the following areas of specialty care:

(A) Oncology.

(B) Burn injuries and wound care.

(C) Rehabilitation medicine.

(D) Psychological health and traumatic brain injury.

(E) Amputations and prosthetics.

(F) Neurosurgery.

(G) Orthopedic care.

(H) Substance abuse.

(I) Transplants.

(J) Cardiothoracic surgery.

(K) Such other areas of specialty care as the Secretary considers appropriate to ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.

(2) Multiple Specialties.—A major medical specialty of the Department may be established as a center of excellence for more than one area of specialty care.

(c) Primary Source for Specialty Care.—

(1) In General.—Centers of excellence established under subsection (a) shall be the primary source within the military health system for the receipt by eligible beneficiaries of specialty care.

(2) Referral.—Eligible beneficiaries seeking specialty care services through the military health system shall be referred to a center of excellence established under subsection (a) or to an appropriate specialty care provider in the private sector if health care services at such a center are unavailable.

(d) Report.—

(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 Committees on Armed Services of the Senate and the House of Representatives a report that—

(A) sets forth a plan for the Department to establish centers of excellence under this section,

(B) describes the specialty care services to be provided at each such center and a staffing plan for each such center,
(C) A description of how each such center will improve—

(i) the military medical force readiness of the Department and the medical readiness of the Armed Forces;

(ii) the quality of care received by eligible beneficiaries; and

(iii) the health outcomes of eligible beneficiaries.

(D) A comprehensive plan to refer eligible beneficiaries for specialty care services at centers of excellence established under this section and centers of excellence in the private sector.

(E) A plan to assist eligible beneficiaries with travel and lodging, if necessary, in connection with specialty care services at centers of excellence established under this section or centers of excellence in the private sector.

(F) A plan to ensure transfer specialty care providers of the Department to centers of excellence established under this section, in a number as determined by the Secretary to be required to provide specialty care services to eligible beneficiaries at such centers.

(G) A plan to monitor access to care, beneficiary satisfaction, experience of care, and clinical outcomes to understand the impact of such centers on the health care of eligible beneficiaries.

(e) Nonuniformed.—The Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 90 days prior to the establishment of a center of excellence under this section.

(f) Eligible Beneficiary Defined.—In this section, the term ‘eligible beneficiary’ means a beneficiary under chapter 55 of title 10, United States Code.

SEC. 727. REQUIREMENT TO ESTABLISH ACADEMIC HEALTH SYSTEM.

Section 778 of title 10, United States Code, is amended by striking ‘‘may’’ and inserting ‘‘shall’’.

SEC. 728. ADHERENCE TO POLICIES RELATING TO MILD TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) direct the Secretary of the Navy and the Secretary of the Air Force to address inconsistencies between the policies of the Department of Defense, the Department of the Navy, and the Department of the Air Force relating to the management of members of the Armed Forces on the identification of symptoms of mild traumatic brain injury in deployed locations; and

(2) ensure that the Secretary of each military department routinely monitors the adherence of members of the Armed Forces under the jurisdiction of such Secretary to policies of the Department or the military departments relating to post-traumatic stress disorder and traumatic brain injury, including policies related to—

(A) screening certain members of the Armed Forces for post-traumatic stress disorder and traumatic brain injury prior to any separation of such a member from the Armed Forces for misconduct; and

(B) providing counseling to members of the Armed Forces during the process of such separation regarding services and benefits that may be provided by the Department of Veterans Affairs to members after such separation.

SEC. 729. POLICY ON ACCOUNTABILITY FOR MEMBERS UNDERGOING DISABILITY EVALUATION.

(a) In General.—Not later than April 1, 2023, the Secretary of Defense shall establish a policy to ensure accountability for actions taken under the authorities of the Defense Health Agency and the military departments concerning wounded, ill, and injured members of the Armed Forces during the integrated disability evaluation system process of the Department of Defense.

(b) Elements.—The policy required by subsection (a) shall—

(1) require that determination of fitness for duty under chapter 61 of title 10, United States Code, of a member of the Armed Forces falls under the jurisdiction of the Secretary of the military department concerned.

(2) require that medical evaluation provided under the authority of the Defense Health Agency shall—

(A) comply with applicable law and regulations of the Department of Defense and the military department concerned.

(B) be considered by the Secretary of the military department concerned in determining fitness for duty under chapter 61 of such title.

(3) require that wounded, ill, and injured members of the Armed Forces shall not be denied the protections, privileges, or right to due process afforded under applicable law and regulations of the Department of Defense and the military department concerned.

(c) Clarification of Responsibilities Regarding Medical Evaluation Boards.—Section 1073c of title 10, United States Code, is amended by—

(1) redesignating subsection (h) as subsection (i); and

(2) inserting after subsection (g) the following new subsection (h):

‘‘(h) Authorities Reserved to the Secretary of the Military Departments Concerning the Disability Evaluation System.—

‘‘(1) In General.—Notwithstanding the responsibilities and authorities of the Director of the Defense Health Agency with respect to the administration of military medical treatment facilities as set forth in this section, including medical evaluations of members of the armed forces, the Secretary of each military department shall maintain personnel authority over and responsibility for any member of the armed forces under the jurisdiction of the Secretary concerned while the member is being considered by a medical evaluation board.

‘‘(2) Responsibility Dismissed.—The responsibility of the Secretary of a military department described in paragraph (1) shall include the following:

‘‘(A) Responsibility for administering the morale and welfare of members of the armed forces under the jurisdiction of the Secretary concerned.

‘‘(B) Responsibility for determinations of fitness for duty of such members under chapter 61 of this title.’’.

Subtitle C—Reports and Other Matters

SEC. 741. THREE-YEAR EXTENSION OF AUTHORITY TO CONTINUE DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking ‘‘September 30, 2023’’ and inserting ‘‘September 30, 2026’’.

SEC. 742. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DefENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1794(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567), as most recently amended by section 715 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1801) is amended by striking ‘‘September 30, 2023’’ and inserting ‘‘September 30, 2024’’.

SEC. 743. AUTHORIZATION OF PERMANENT PROGRAM TO IMPROVE OPIOID MANAGEMENT IN THE MILITARY HEALTH SYSTEM.


(1) in subsection (a)(1), by striking ‘‘Beginning not’’ and inserting ‘‘Except as provided in subsection (e), beginning not’’;

(2) by redesigning subsection (e) as subsection (f); and

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

‘‘(e) ALTERNATIVE APPROACH TO IMPROVE OPIOID MANAGEMENT.—As an alternative to the pilot program under this section, the Director of the Defense Health Agency, not later than January 1, 2023—

‘‘(1) may implement a permanent program to improve opioid management for beneficiaries under the TRICARE program; and

‘‘(2) if the Director decides to implement such a permanent program, shall submit to the Committees on Armed Services of the Senate and the House of Representatives the specifications of and reasons for implementing such program.’’.

SEC. 744. CLARIFICATION OF MEMBERSHIP REQUIREMENTS AND COMPENSATION AUTHORITY FOR VETERANS UNDER DEPENDENT SUCIDE PREVENTION AND RESPONSE REVIEW COMMITTEE.

Section 738 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1801) is amended—

(1) in subsection (b)(3), by inserting ‘‘except for a former member of an Armed Force’’ after ‘‘Armed Force’’;

(2) by redesigning subsections (f) through (h) as subsections (g) through (i), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

‘‘(f) COMPENSATION.—

‘‘(1) In General.—The Secretary may compensate members of the committee established under subsection (a) for the work of such members for the committee.

‘‘(2) Treatment of Compensation.—A member of the committee established under subsection (a) who receives compensation under paragraph (1) shall not be considered a civilian employee of the Department of Defense for purposes of section 601 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 108–183; 38 U.S.C. 1154 note) is amended—

(1) in subsection (b), by striking ‘‘, including the establishment of the advisory board required by subsection (c)’’; and

(2) by striking subsection (c).

SEC. 745. TERMINATION OF VETERANS ADVISORY BOARD ON RADIATION DOSE RECONSTRUCTION.

Section 601 of the Veterans Benefit Act of 2003 (Public Law 108–183; 38 U.S.C. 1154 note) is amended—

(1) in subsection (b), by striking ‘‘, including the establishment of the advisory board required by subsection (c)’’; and

(2) by striking subsection (c).

SEC. 746. SCHOLARSHIP-FOR-SERVICE PILOT PROGRAM FOR CIVILIAN BEHAVIORAL HEALTH PROFESSIONALS.

(a) In General.—Commencing not later than two years after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program under which—

(1) the Secretary may provide—

(A) scholarships to cover tuition and related fees at an institution of higher education to an individual enrolled in a program of study leading to a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(B) student loan repayment assistance to a credentialed behavioral health provider who graduates with a degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and
SEC. 747. EXPANSION OF EXTRAMEDICAL MATERIALS, SERVICES, EDUCATORS DEMONSTRATION PROJECT TO INCLUDE MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND OTHER INDIVIDUALS RECEIVING CARE AT MILITARY MEDICAL TREATMENT FACILITIES.


(1) in subsection (a), by inserting ‘‘, including coverage of such providers at military medical treatment facilities’’ before the period at the end;

(2) in subsection (c), by striking ‘‘covered beneficiaries’’ and inserting ‘‘covered individuals’’;

(3) in subsection (f)(2), by striking ‘‘covered beneficiaries’’ each place it appears and inserting ‘‘covered individuals’’; and

(4) in subsection (g), by amending paragraph (1) to read as follows:

‘‘(1) The term ‘covered individual’ means a beneficiary under chapter 55 of title 10, United States Code.”; and

(b) by adding at the end the following:

‘‘(f) REPORTS.—

The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives on how the Secretary intends to use the authority to enter into transactions under section 1092(b) of title 10, United States Code, is amended by inserting ‘‘, including pre- and post-deployment assessments and procedures used in deployment operations to document—

(i) specific locations where members of the Armed Forces served;

(ii) environmental exposures in such locations; and

(iii) any munitions involved during such service in such locations.

(b) An assessment of potential improvements in the acquisition and use of wearable monitoring technology and remote sensing capabilities to record environmental exposures by geographic location.

(c) An analysis of the potential value and feasibility of maintaining a repository of forged samples from each location to be later tested as needed when concerns relating to environmental exposures are identified.

With respect to the use of the Individual Longitudinal Exposure Record (referred to in this paragraph as “ILER”), the following:

(1) An assessment of the feasibility and advisability of recording individual clinical diagnosis and treatment information in ILER to be integrated with exposure data.

(i) The progress toward making ILER operationally capable and accessible to members of the Armed Forces and veterans by 2023; and

(ii) the integration of ILER data with the electronic health records of the Department
of Defense and the Department of Veterans Affairs.

(C) An assessment of the feasibility and advisability of making ILIER data accessible to the surviving family members of members of the Armed Forces and veterans.

(5) With respect to the conduct of research, the following:

(A) A demonstration of the potential use of the Airborne Hazards and Open Burn Pit Registry for research on monitoring and identifying the health consequences of exposure to burn pits and effective treatments for such health effects.

(B) An analysis of options for increasing the amount and the relevance of additional research into the health effects of open burn pits and effective treatments for such health effects.

(C) An evaluation of potential research of biomarker monitoring to document environmental exposures during deployment or throughout the military career of a member of the Armed Forces.

(D) An analysis of potential organizational strengthening with respect to the management of research on environmental exposure hazards, including the establishment of a joint program office for such management.

(E) An assessment of the findings and recommendations of the 2020 report entitled “Respiratory Health Effects of Airborne Hazards and Open Burn Pits and other environmental hazards. The Secretary determines appropriate to en-

(f) An evaluation of other matters as the Secretary determines appropriate to ensure a comprehensive review of activities relating to the effects of exposure to open burn pits and other environmental hazards.

(c) SUBMISSION OF PLAN AND REPORT.—Not later than 240 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to conduct research on monitoring and identifying the health consequences of exposure to burn pits and effective treatments for such health effects.

SEC. 750. INDEPENDENT ANALYSIS OF DEPARTMENT OF DEFENSE COMPREHENSIVE AUTISM CARE DEMONSTRATION PROGRAM.

Section 737 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 116-181; 135 Stat. 880) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by inserting “broadly” after “disorder’’;

(ii) by striking “demonstration project” and inserting “demonstration program”;

(B) in subparagraph (B), by striking “demonstration project” and inserting “demonstration program”;

(C) in subsection (C), in the matter preceding paragraph (1), by striking “nine” and inserting “31”;

(D) in subparagraph (D) and inserting “dem-

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\text{(f) in subparagraph (F), by inserting “cost effectiveness, patient acceptability, and clinical” after “measure the”);

(G) in subparagraph (G), by inserting “than in the general population” after “families”;

(H) in subparagraph (H) as subparagraph (I); and

(i) by inserting after subparagraph (G) the following new subparagraph (H):

“(H) An analysis of whether the diagnosis and treatment of autism is higher among the children of military families than in the general popula- tion.”; and

(j) in subparagraph (i), in the matter preceding paragraph (1), by striking “nine” and inserting “31”;

SEC. 751. REPORT ON SUICIDE PREVENTION REFORMS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than March 1, 2023, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of implementing the following reforms related to suicide prevention among members of the Armed Forces:

(1) Eliminating mental health history as a disqualification for service in the Armed Forces, including eliminating restrictions related to mental health history that are specific to military occupational specialties.

(2) Requiring comprehensive in-person annual mental health assessments of members of the Armed Forces.

(3) Requiring military health providers under the TRICARE program, including providers contracted through such program, to undergo evidence-based and suicide-specific training.

(4) Requiring leaders at all levels of the Armed Forces to be trained on the following:

(A) Total wellness.

(B) Suicide warning signs and risk factors.

(C) Evidence-based, suicide-specific interventions.

(D) Effectively communicating with medical and behavioral health providers.

(E) Communicating with family members, including extended family members who are not co-located with a member of the Armed Forces, with respect to providers for members of the Armed Forces and their dependents.

(5) Requiring mandatory referral to War-riors in Transition programs or transitional programs for members of the Armed Forces who are eligible for such programs.

(b) DEFINITIONS.—In this section—

(1) I N GENERAL.—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 plan to address any shortfall of the behavioral health workforce identified under subsection (a)(2)(G).

(2) E LEMENTS.—The plan required under paragraph (1) shall—

(A) address, with respect to any shortfall of military behavioral health providers addressed separately with respect to such providers assigned to military medical treatment facilities and such providers assigned to be embedded within operational units—

(i) recruitment;

(ii) accession;

(iii) retention;

(iv) special pay and other aspects of compensation;

(v) workload;

(vi) the role of the Uniformed Services University of the Health Sciences and the Armed Forces Health Professions Scholarship Program under chapter 105 of title 10, United States Code;

(vii) any additional authorities or resources necessary for the Secretary to increase the number of such providers; and

(viii) such other considerations as the Secretary may determine appropriate.

(B) Such other elements as the Secretary may determine appropriate.

(C) Such other provisions as the Secretary may determine appropriate.

(D) Such other elements as the Secretary may determine appropriate.

SEC. 752. REPORT ON BEHAVIORAL HEALTH WORKFORCE AND PLAN TO ADDRESS SHORTFALLS IN PROVIDERS.

(a) REPORT ON BEHAVIORAL HEALTH WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an analysis of the behavioral health workforce under the direct care component of the military health system and submit to the Com-
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(11) hiring;
(12) retention;
(13) pay and benefits;
(14) workload;
(15) educational scholarship programs;
(16) any additional authorities or resources necessary for the Secretary to increase the number of such providers; and
(17) any considerations as the Secretary may consider appropriate;
(C) recommend whether the number of military behavioral health providers in each military department should be increased, and if so, by how many;
(D) include a plan to expand access to behavioral health services under the military health system through the use of telehealth;
(E) include a plan by each military department to allocate additional uniformed mental health providers in military medical treatment facilities at remote installations; and
(F) assess the feasibility of hiring civilian mental health providers at remote installations to augment the provision of mental health care services by uniformed mental health providers.

SEC. 803. PROHIBITION ON CERTAIN PROCUREMENTS.

(a) Certification Required.—The Secretary of Defense shall include in any solicitation for contract proposals, extensions, or renewals a requirement for prime contractors to certify with respect to (a) based on the prime contractor's performance of vendor verification of all suppliers or potential suppliers, all tiers of such prime contractor's supply chain;
(b) Waiver Authority.—The Secretary may, on a one-time basis, waive the requirements under subsection (a) with respect to a prime contractor that requests such a waiver. The waiver may be provided, for a period of not more than five years after the effective date described in subsection (d), if the prime contractor seeking the waiver—
(1) provides a sufficient justification for the additional time to implement the requirements under such subsection, as determined by the Secretary; and
(2) submits to the Secretary, who shall not later than 30 days thereafter submit to the congressional defense committees, a full and complete laydown of the presence of covered items in the prime contractor's supply chain and a phase-out plan to eliminate such covered items from such systems.
(d) Effective Date.—Subsections (a), (b), and (c) shall take effect one year after the date of the enactment of this Act.
(e) Rulemaking.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to implement this section.

SEC. 804. REVISION OF AUTHORITY FOR PROCEDURES TO ALLOW RAPID ACQUISITION AND DEPLOYMENT OF CAPABILITY NECESSARY UNDER SPECIFIED HIGH-PRIORITY CIRCUMSTANCES.

(a) Revision and Codification of Rapid Acquisition and Deployment Authority.—Section 233 of part V of title 10, United States Code, is amended to read as follows:

"CHAPTER 233—RAPID ACQUISITION PROCEDURES

Sec. 3601. Procedures for urgent acquisition and deployment of capability needed in response to urgent operational needs or vital national security interest.

* * *

SEC. 805. EXTENSION OF DEFENSE MODERNIZATION ACCOUNT AUTHORITY.


SEC. 806. PROHIBITION ON CERTAIN PROCUREMENTS UNDER A SECTION 804 RAPID ACQUISITION PATHWAY.

(a) Prohibition on Procurements.—The Secretary of Defense may not enter into, extend, renew, or modify any contract to procure a major defense acquisition program that contains covered items.

(b) Certification Required.—The Secretary of Defense shall include in any solicitation for contract proposals, extensions, or renewals a requirement for prime contractors to certify with respect to (a) based on the prime contractor's performance of vendor verification of all suppliers or potential suppliers, all tiers of such prime contractor's supply chain;
(c) Waiver Authority.—The Secretary may, on a one-time basis, waive the requirements under subsection (a) with respect to a prime contractor that requests such a waiver. The waiver may be provided, for a period of not more than five years after the effective date described in subsection (d), if the prime contractor seeking the waiver—
(1) provides a sufficient justification for the additional time to implement the requirements under such subsection, as determined by the Secretary; and
(2) submits to the Secretary, who shall not later than 30 days thereafter submit to the congressional defense committees, a full and complete laydown of the presence of covered items in the prime contractor's supply chain and a phase-out plan to eliminate such covered items from such systems.
(d) Effective Date.—Subsections (a), (b), and (c) shall take effect one year after the date of the enactment of this Act.
(e) Rulemaking.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to implement this section.
(f) Definitions.—In this section:
(1) Covered Foreign Country.—The term "covered foreign country" means the People's Republic of China.
(2) Covered Items.—The term "covered item" means an item produced or provided by an entity—
(A) owned or controlled by the government of a covered foreign country; or
(B) where the place of performance is in a covered foreign country.
(3) Major Defense Acquisition Program.—The term "major defense acquisition program" has the meaning given the term in section 3010 of title 10, United States Code.
(4) Section 804 Rapid Acquisition Pathway Authority.—The term "section 804 rapid acquisition pathway authority" means the authority under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 321 prec.).
(5) Matters to be Included.—The procedures prescribed under subsection (a) shall include the following:
(A) A process for streamlined communications between the Chairman of the Joint Chiefs of Staff, the acquisition community, and the research and development community, including—
(1) a process for the commanders of the combatant commands and the Chairman of the Joint Chiefs of Staff to communicate their needs to the acquisition community and the research and development community; and
(2) a process for the acquisition community, and the research and development community to propose capability that meet the needs communicated by the combatant commands and the Chairman of the Joint Chiefs of Staff;
(B) Procedures for demonstrating, rapidly acquiring, and deploying a capability proposed pursuant to paragraph (1)(B), including—
(1) a process for demonstrating performance and evaluating for current operational purposes the performance of the capability; and
(2) a process for making deployment and utilization determinations based on information obtained pursuant to subparagraphs (A) and (B); and
(C) A process to determine the disposition of a capability, including termination (demilitarization or disposal), continued sustainment, or transition to a program of record.
(6) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 321 prec.).
(7) Response to Combat Emergencies and Other Urgent Operational Needs.—
(A) Determination of Need for Urgent Acquisition and Deployment.—(A) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary may use the procedures developed under this section in order to accomplish the urgent acquisition and deployment of the needed capability.
(B) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in critical mission failures, or economic effects, or if left unfilled is likely to result in critical mission failure, the
loss of life, property destruction, or economic effects, the Secretary may use the procedures developed under this section in order to accomplish the urgent acquisition and deployment of the needed offensive or defensive cyber capability.

(ii) In this subparagraph, the term ‘cyber attack’ means a deliberate action to alter, disrupt, deceive, degrade, or destroy computer systems or the information or programs resident in or transiting these systems or networks.

(2) Designation of senior official responsible for resources.

(ii) Whenever the Secretary makes a determination under subparagraph (A), (B), or (C) of paragraph (1) that a capability is urgently needed to eliminate a deficiency determined or identified under such subparagraph, the Secretary shall designate a senior official of the Department of Defense to ensure that the needed capability is acquired quickly as possible, with a goal of awarding a contract for the acquisition of the capability within 15 days.

(iii) A determination made under this subsection does not apply to an acquisition initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, if the determinations that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway in which the Secretary makes a determination under subparagraph (A), (B), or (C) of paragraph (1) that a capability is urgently needed to eliminate a deficiency determined or identified under such subparagraph, the Secretary shall designate a senior official of the Department of Defense to ensure that the needed capability is acquired quickly as possible, with a goal of awarding a contract for the acquisition of the capability within 15 days.

(iv) In the case of a determination by the Secretary under paragraph (3)(A) that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, the notice to the congressional defense committees of the determination within 10 days after the date of the use of such funds.

(v) A notice under this paragraph shall include the following:

(A) Identification of the capability to be acquired.

(B) The amount anticipated to be expended for the acquisition.

(C) The source of funds for the acquisition.

(D) Any notice under this paragraph shall fulfill any requirement to provide notification to Congress for a program (referred to as a ‘new start program’) that has not previously been specifically authorized by law or for which funds have not previously been appropriated.

(V) A notice under this paragraph shall be provided in consultation with the Director of the Office of Management and Budget.

(G) Limitation on officers with authority.

(i) The authority to make determinations under subparagraph (A), (B), or (C) of paragraph (1) and under paragraph (3)(A) that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway designated a senior official responsible under paragraph (3), and to provide notification to the congressional defense committees of the determination, is authorized to waive any provision of law or regulation described in that subparagraph, the Secretary shall notify the congressional defense committees of the determination at least 10 days before the date on which the determination is effective.

(C) In the case of a determination by the Secretary under paragraph (3)(A) that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, the notice to the congressional defense committees of the determination within 10 days after the date of the use of such funds.

(D) A notice under this paragraph shall include the following:

(i) Identification of the capability to be acquired.

(ii) The amount anticipated to be expended for the acquisition.

(iii) The source of funds for the acquisition.

(v) A notice under this paragraph shall be provided in consultation with the Director of the Office of Management and Budget.

(2) Limitation. — The process may not include a requirement for any deficiency of capability identified in the operational assessment to be the determining factor in deciding whether to deploy the capability.

(3) Director of Operational Test and Evaluation Access. — If a capability is deployed under the procedures prescribed pursuant to this section, or under any other authority, before operational test and evaluation of the capability is completed by the Director of Operational Test and Evaluation, such capability shall be provided in a time and manner determined by the Secretary of Defense consistent with requirements of operational security and other relevant operational requirements.


(b) Clerical Amendment. — The table of chapters that begins the chapter that is designated as chapter 10, United States Code, is amended by striking the item relating to chapter 253 and inserting the following:

253. Rapid Acquisition Procedures . . . 3601

(c) Conforming Repeals. — The following provisions of law are repealed: —


SEC. 805. ACQUISITION REPORTING SYSTEM.

(a) In General. — The Secretary of Defense shall institute a defense acquisition reporting system to replace the requirements of section 435 of title 10, United States Code, as soon as practicable but not later than June 30, 2023.

(b) Elements. — The reporting system required under subsection (a) may include such elements as determined by the Secretary to support the acquisition information reporting needs of the Department, and at a minimum shall:

(1) continue to produce the information necessary to carry out the actions specified in chapter 325 of title 10, United States Code; and

(2) incorporate the findings of such legislation necessary to carry out the actions specified in sections 4217 and 4311 of the Atomic Energy Defense Act (50 U.S.C. 2527, 2577); and

(3) provide the congressional defense committees with the information necessary to carry out the actions specified in section 805 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81); and

(4) may provide the congressional defense committees with other information or other entities with access to updated acquisition reporting on a not less than quarterly basis.
SEC. 806. MODIFICATION OF REPORTING REQUIREMENTS IN CONNECTION WITH REQUESTS FOR MULTIYEAR PROCUREMENT AUTHORITY FOR LARGE DEFENSE ACQUISITIONS.

Section 3901(12) of title 10, United States Code, is amended—

(1) by striking “shall include in the request the following:” and all that follows through “(A) A report” and inserting “shall include in the request the following:”; and

(2) by striking subparagraph (B).

SEC. 807. MODIFICATION OF LIMITATION ON CANCELATION OF DESIGNATION OF EXCLUSIVE PRODUCER OR MANUFACTURER FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

Section 226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–91; 131 Stat. 1335) is amended—

(1) in subsection (a), by striking ‘The Secretary’ and inserting “Except as provided under subsection (e), the Secretary’; and

(2) by redesignating subsection (e) as subsection (f); and

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

“(e) DESIGNATION OF OTHER EXECUTIVE AGENTS.—The Secretary of Defense may designate one or more executive agents to assist the Secretary of Defense to implement Defense Production Act transactions entered into under the authority of section 3862, 4003 and 4004 of title 10, United States Code.”

SEC. 808. COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND RELATED REPORTS.

(a) IN GENERAL.—Section 3072 of title 10, United States Code, is amended—

(1) in the section heading, by striking “initiatives” and inserting “efforts”;

(2) by striking “initiatives” each place it appears and inserting “efforts”;

(3) in subsection (a), by striking “through 2025” and inserting “through 2026”;

(4) in subsection (c), in the subsection heading, by striking “initiatives” and inserting “efforts;”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 10, United States Code, is amended in the item relating to section 3072 by striking “initiatives” and inserting “efforts.”

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

SEC. 821. TREATMENT OF CERTAIN CLAUSES IMPLEMENTING EXECUTIVE ORDER MANDATES.

(a) IN GENERAL.—Section 3862 of title 10, United States Code, is amended—

(1) in the section heading, by striking “certification”;

(2) by redesignating subsection (c) as subsection (d); and

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

“(c) Certification of Changes clause—

(1) The term ‘Changes clause’ means the clause described in paragraph (2) of section 3455(b) of title 10, United States Code, is amended by—

(A) in the section heading, by striking “‘Changes clause’” and inserting “‘Changes clause’”;

(B) by inserting “(c) TREATMENT OF CERTAIN CLAUSES IMPLEMENTING EXECUTIVE ORDER MANDATES.—

(1) The Insertion of a covered clause into an existing Department of Defense contract, order, or task order shall be treated as a change directed by the contracting officer pursuant to, and subject to, the Changes clause of the underlying contractual instrument.

(2) In this subsection, the term ‘covered clause’ means any clause or clause implementing the requirements of an Executive order issued by the President.”; and

(3) in subsection (d), as redesignated by paragraph (2)—

(A) by striking “DEFINITION” and inserting “DEFINITIONS”;

(B) by striking “section” and inserting the following “section:”;

(1) The term ‘DEFINITION’;

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

“(2) ‘Changes clause’ means the clause described in part 22.234-3 of the Federal Acquisition Regulation or any successor regulation.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 10, United States Code, is amended by striking the item relating to section 3862 and inserting the following:

“3862. Requests for equitable adjustment or other relief.”

(c) CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise applicable policy guidance on other transactions to conform with the amendments to section 3862 of title 10, United States Code, made by subsection (a).

(d) CONFORMING POLICY GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise applicable policy guidance on other transactions to conform with the amendments to section 3862 of title 10, United States Code, made by subsection (a).”

SEC. 822. DATA REQUIREMENTS FOR COMMERCIAL PRODUCTS FOR MAJOR WEAPONS SYSTEMS.

(a) AMENDMENTS RELATING TO SUBSYSTEMS OF MAJOR WEAPONS SYSTEMS.—Section 3455(b) of title 10, United States Code, is amended—

(1) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B); and

(2) by inserting “(1)” before “A subsystem of a major weapon system”; and

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

“(2) For subsystems proposed as commercial as defined in title 41 and that have not been previously determined commercial in accordance with section 3703(d) of this title, the offeror shall be required to identify the comparable commercial product that is customarily used by the general public or non-governmental entities that serves as the basis for the ‘of a type’ assertion. The offeror shall submit a comparison of the essential physical characteristics and functionality between the proposed ‘of a type’ product and the comparable commercial product as defined in section 103(1) of title 41 and the product proposed to meet the Government’s requirement, if one is assigned.”.

(b) AMENDMENTS RELATING TO COMPONENTS AND SPARE PARTS.—Section 3455(c) of such title is amended—

(1) by redesigning paragraph (2) as paragraph (3); and

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

“(2) For components or spare parts proposed as commercial as defined in section 1001 of title 41 and that have not been previously determined commercial in accordance with section 3703(d) of this title, the offeror shall be required to identify the comparable commercial product that is customarily used by the general public or non-governmental entities that serves as the basis for the ‘of a type’ assertion. The offeror shall submit a comparison of the essential physical characteristics and functionality between the proposed ‘of a type’ product and the comparable commercial product in support of the ‘of a type’ assertion. The offeror shall also provide the National Stock Numbers for both the comparable commercial product and the product proposed to meet the Government’s requirement, if one is assigned.”.

SEC. 823. TASK OR DELIVERY ORDER CONTRACTING FOR ARCHitectural AND ENGINEERING SERVICES.

Section 3406 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(b) ARCHITECTURAL AND ENGINEERING SERVICES.—(1) Task or delivery orders for architectural and engineering services issued under section 3403 or 3405 of this title shall be qualification-based selections executed in accordance with chapter 7 of title 41 and the head of an agency shall not routinely request additional information from contractors, but may request additional information or conduct discussions with contractors when available information is insufficient, in order to determine the most highly qualified contractor to perform the work in accordance with chapter 11 of title 40.”

SEC. 824. EXTENSION OF PILOT PROGRAM FOR DISTRIBUTION SUPPORT AND SERVICES FOR WEAPONS SYSTEMS CONTRACTORS.

Section 883 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302a note) is amended—

(1) in subsection (a), by striking “six-year pilot program” and inserting “seven-year pilot program”;

(2) in subsection (g), by striking “six years” and inserting “seven years”.

SEC. 825. PILOT PROGRAM TO ACCELERATE CONTRACTING AND PRICING PROCESSES.

Section 890(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2306a note) is amended by striking “January 2, 2023” and inserting “January 2, 2024”.
Section 826. Extension of Never Contract with the Enemy.


Section 828. Progress Payment Incentive Pilot.

(a) Pilot Program.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall implement a pilot program, to be known as the “Progress Payment Incentive Pilot Program”, to make accelerated progress payments contingent upon agreements by the contractor to implement systems that improve the effectiveness, efficiency, and increasing small business contract opportunities.

(b) Purpose.—The purpose of the pilot program is to reward Department of Defense contractors who meet contract delivery dates, respond to Department solicitations for required certified cost or pricing data, meet small business contracting goals, and provide subcontracting opportunities for AbilityOne contracts.

(c) Progress Payments.

(1) Limitations for Large Contractors.—Except as provided under paragraph (2), under the pilot program, the Department of Defense may not award to large business contractors progress payments in excess of 50 percent.

(2) Exclusions.—The Department of Defense may increase the rate of progress payments to a total of 95 percent, by the following:

(A) 10 percent if the relevant division of the contractor met contract delivery dates for contract end items and contract data requirement lists or performance milestone schedules, as the case may be, at least 95 percent of the time during the preceding Government fiscal year.

(B) 10 percent if the division does not have open level III or IV corrective action requests.

(C) 10 percent if all applicable contractor business systems are acceptable, without significant deficiencies.

(D) 7.5 percent if at least 95 percent of the time during the preceding Government fiscal year, when responding to solicitations that required the submission of certified cost or pricing data, the division met the due date in the request for proposal.

(E) 5 percent if the contractor has met its small business subcontracting obligations during the preceding Government fiscal year.

(F) 2.5 percent if the contractor has provided subcontracting opportunities for the blind and severely disabled.

(d) Sunset.—The authority to make accelerated payments under the pilot program shall terminate on the date that is four years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023.

(e) Definitions.—In this section:

(1) Large Defense Contractor.—The term “large defense contractor” means a contractor (other than an institution of higher education or a federally funded research and development center that received more than $100,000,000 in average revenue from the Department of Defense contracts or licenses in any of the previous three years.

(2) Payments.—The term “progress payments” means payments provided for under section 3804 of title 10, United States Code.

Section 829. Report on Department of Defense Strategic Capabilities Office Contracting Capabilities.

(a) Report.—Not later than March 1, 2023, the Secretary of Defense, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, and the Director of the Strategic Capabilities Office (SCO), shall submit to the congressional defense committees a report on the adequacy of SCO contracting authorities.

(b) Elements.—The report required under subsection (a) shall include:

(1) a summary of the existing authorities of the SCO, including the mechanisms for contract award and existing contracting programs;

(2) an assessment of the amount of time needed to conduct contracting actions through current mechanisms described in paragraph (1); and

(3) an assessment of the pros and cons of the current contracting processes for SCO in relation to their ability to rapidly develop and deploy technology in support of Department of Defense operational units.

(c) Recommendations.—The report required under subsection (a) shall include recommendations for future authorities for the SCO.

(d) Definitions.—In this section:

(1) Required Determination.—Not later than January 1, 2024, the Secretary of Defense, acting through the Chief of Naval Operations, shall submit to the House of Representatives and the Senate a written determination with one of the following recommendations:

(A) Recommend continuing inclusion of the item under this section.

(B) Recommend discontinuing inclusion of the item under this section.

(2) Elements.—The review required under paragraph (1) shall include the following elements for the most recent five-year period:

(A) The criticality of the item to a military unit’s mission accomplishment or other national security objectives.

(B) The extent to which such item is fielded in current programs of record.

(C) The number of such items to be procured by current programs of record.

(D) The extent to which cost and pricing data for such items has been deemed fair and reasonable.

(e) Justification.—The determination required under paragraph (1) shall also include the findings of the review conducted under
such paragraph and other key justifications for the determination.”.

SEC. 843. DEMONSTRATION EXERCISE OF EN- HANCED PLANNING FOR INDU- STRIAL MOBILIZATION AND SUPPLY CHAIN MANAGEMENT.

(a) Demonstration Exercise Required.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall conduct a demonstration exercise of industrial mobilization and supply chain management planning capabilities in support of an operational or contingency plan use case, as selected in consultation with the Chairman of the Joint Chiefs of Staff and the Secretary of Defense for Acquisition and Sustainment. The demon-

stration exercise shall identify a current program that is both fielded and still in produc-
tion from each military service, Defense Agency, and Department of Defense Field Activity in order to model a notional plan for mobilization or supply chain management, as associated with the selected oper-
a

tional or contingency plan.

(b) Elements.—The demonstration exer-
cise required under subsection (a) shall in-
clude the following elements:

(1) The exercise of processes and authori-

ties that support the Department for indus-
trial mobilization and supply chain manage-
ment, including those related to government or con-
tactor production facilities, testing, or work-
force development;

(2) The identification of process improve-
ments or gaps in resources, capabilities, or author-
ization for remediation, including those related to government or con-
tactor production facilities, testing, or workforce development;

(3) The demonstration of industrial mobil-
ization and supply chain tracking system, the provenance of the magnet.

(b) Implementation of supply chain tracking system.—If a contractor cannot make the disclosure required by paragraph (1) with respect to a system described in that paragraph, the Secretary shall require the contractor to establish and implement a supply chain tracking system in order to make the disclosure not later than 180 days after providing the system to the Department of Defense.

(4) Waivers.—(A) In General.—The Secretary may waive the requirement under paragraph (1) or (3) with respect to a system described in paragraph (1) for a period of not more than 180 days if the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that—

(i) the continued procurement of the sys-

tem is necessary to meet the demands of a national emergency declared under section 201 of the National Emergencies Act (50 U.S.C. 1721); or

(ii) the contractor cannot currently make the disclosure required by paragraph (1) but is making significant efforts to comply with the requirements of that paragraph.

(B) Waiver Renewals.—The Secretary—

(i) may renew a waiver under subparagraph (A)(i) as many times as the Secretary con-
siders appropriate; and

(ii) may not renew a waiver under subpara-
graph (A)(ii) more than twice.

(5) Briefing Required.—Not later than 30 days after the submission of each report re-

quired by subsection (c), the Secretary shall assess the extent of the efforts of the com-

petitor General of the United States and periodically thereafter until the termi-
nation date specified in paragraph (5), the Comptroller General of the United States shall assess the extent of the efforts of the Department of Defense to comply with the requirements of—

(A) subsection (a);

(B) section 1211 of the National Defense Authorization Act for Fiscal Year 2006, as amended by subsection (b); and

(C) section 4872 of title 10, United States Code.
(2) BRIEFING REQUIRED.—The Comptroller General shall periodically, until the termination date specified in paragraph (5), provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the requirements of the act and efforts to transition those projects into programs of record or fielded systems; technology transition into programs of record or fielded systems; and the status of the Secretary of Defense’s implementation of the program.

(3) ANNUAL REPORT ON INDUSTRIAL BASE CONSTRAINTS FOR MUNITIONS.—

(a) IN GENERAL.—Not later than 30 days after the submission of the report required under section 222c, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Service Acquisition Executive for each military department, shall submit to the appropriate congressional defense committees a report setting forth in detail the industrial base constraints for each munition identified in the Out-Year Unimplemented Munitions Base Plan and the reasons the munition is an industrial base constraint.

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

(1) Description of baseline industrial base.

(2) Programmed work and cost per year.

(3) Average procurement unit cost per year.

(4) Contract type.

(5) Current minimum sustaining rate of production per month and year.

(6) Current minimum rate of production per month and year.

(7) Expected date to meet the total amount of munitions required under the current industrial base plan.

(8) A description of industrial base constraints on increased production.

(9) A description of investments or policy changes made by the United States Government to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

(10) A description of potential investments or policy changes identified by the contractor or the United States Government to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

(11) A list of contracts for munitions with affected foreign military security assistance programs.

(12) A prioritized list of munitions or capabilities judiciously assessed to be in high demand and necessary to enable export, including a description of the munitions or capabilities.

(13) A description of any changes made by the contractor to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

(14) A list of contracts for munitions with affected Foreign Military Sales programs.

(15) A description of changes made by the contractor to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

(b) ANNUAL REPORT ON INDUSTRIAL BASE CONSTRAINTS FOR MUNITIONS.—

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after the last paragraph of section 222c—

"§ 222d. Annual report on industrial base constraints for munitions

(a) IN GENERAL.—Not later than 30 days after the submission of all reports required under subsection (a) of section 222c or 222d, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Service Acquisition Executive for each military department, shall submit to the appropriate congressional defense committees a report setting forth in detail the industrial base constraints for each munition identified in the Out-Year Unimplemented Munitions Base Plan and the reasons the munition is an industrial base constraint.

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

(1) Description of baseline industrial base.

(2) Programmed work and cost per year.

(3) Average procurement unit cost per year.

(4) Contract type.

(5) Current minimum sustaining rate of production per month and year.

(6) Current minimum rate of production per month and year.

(7) Expected date to meet the total amount of munitions required under the current industrial base plan.

(8) A description of industrial base constraints on increased production.

(9) A description of investments or policy changes made by the United States Government to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

(10) A description of potential investments or policy changes identified by the contractor or the United States Government to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

(11) A list of contracts for munitions with affected foreign military security assistance programs.

(12) A prioritized list of munitions or capabilities judiciously assessed to be in high demand and necessary to enable export, including a description of the munitions or capabilities.

(13) A description of any changes made by the contractor to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

(14) A list of contracts for munitions with affected Foreign Military Sales programs.

(15) A description of changes made by the contractor to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

SEC. 861. MODIFICATIONS TO THE DEFENSE RESEARCH AND DEVELOPMENT PROGRAMS.—

(a) IN GENERAL.—Section 8461 of title 10, United States Code, is amended by inserting the following: "The Secretary shall ensure that the annual report on the operation of the program in coordination with the Under Secretary of Defense for Research and Engineering:

(1) in paragraph (2), by striking the first sentence and inserting the following: "The Secretary shall ensure that the annual report on the operation of the program in coordination with the Under Secretary of Defense for Research and Engineering:

(2) in subsection (b),—

(A) by striking the first sentence and inserting the following: "The Secretary shall ensure that the annual report on the operation of the program in coordination with the Under Secretary of Defense for Research and Engineering:

(3) in subsection (d),—

(4) by striking paragraph (3) and redesigning paragraphs (4) through (7) as paragraphs (3) through (6), respectively;

(5) in paragraph (1), by designating the last three paragraphs as (c) and adding the following:

(c) WORKING DEFINITION OF MUNITION.—The Under Secretary may define munition for the purposes of this section as follows:

(1) Programmed purchase quantities per year.

(2) Average procurement unit cost per year.

(3) Contract type.

(c) FUNDING.—(1) Not less than 3.2 percent of the extramural budget for research, development, test, and evaluation of the Department of Defense in excess of $100,000,000 shall be used to field technologies under the program.

(2) Up to 0.5 percent of the amount required to be used to field technologies under the program shall be used to cover administrative costs associated with the program.

(3) in subsection (c), by inserting "congressional" before "earmark;" and

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

(d) FUNDING.—(1) Not less than 3.2 percent of the extramural budget for research, development, test, and evaluation of the Department of Defense in excess of $100,000,000 shall be used to field technologies under the program.

(2) Up to 0.5 percent of the amount required to be used to field technologies under the program shall be used to cover administrative costs associated with the program; and

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

"(7) A requirement that no agreement may be entered into unless the Secretary of the Department of Defense, after consultation with the appropriate military department concerned, certifies in writing that the successful transition of the contract, project, or program to Phase I, Phase II, or Phase III, or the termination of a system of record or operational environment (Phase III). No project shall receive more than a total of one year of funding under the program for Phase I, four years for Phase II, or three years for Phase III;";

(F) in paragraph (6), as so redesignated, by inserting "and universities that make proposals with significant small business participation" after "small business concerns;" and

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

"(7) A requirement that no agreement may be entered into unless the Secretary of the Department of Defense, after consultation with the appropriate military department concerned, certifies in writing that the successful transition of the contract, project, or program to Phase I, Phase II, or Phase III, or the termination of a system of record or operational environment (Phase III). No project shall receive more than a total of one year of funding under the program for Phase I, four years for Phase II, or three years for Phase III;";

(F) in paragraph (6), as so redesignated, by inserting "and universities that make proposals with significant small business participation" after "small business concerns;" and

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

"(7) A requirement that no agreement may be entered into unless the Secretary of the Department of Defense, after consultation with the appropriate military department concerned, certifies in writing that the successful transition of the contract, project, or program to Phase I, Phase II, or Phase III, or the termination of a system of record or operational environment (Phase III). No project shall receive more than a total of one year of funding under the program for Phase I, four years for Phase II, or three years for Phase III;";

(3) in subsection (c), by inserting "congressional" before "earmark;"
"(a) A description of each incentive that has been used by the Secretary under paragraph (2) and the effectiveness of that incentive with respect to meeting the goal under paragraph (1); (b) PUBLIC-PRIVATE PARTNERSHIP TECHNOLOGY INVESTMENT PILOT PROGRAM. —
(i) IN GENERAL.—Chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4063. Public-private partnership technology investment pilot program

"(a) ESTABLISHMENT.—(1) Subject to the availability of appropriations for this purpose, the Secretary of Defense shall, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the Secretary of Defense for Acquisition and Sustainment, carry out a pilot program, for no less than five years, to accelerate the development of advanced technology for national security by creating incentives for trusted private capital to invest in domestic small businesses or nontraditional businesses that are developing technology that the Secretary considers necessary to support the modernization of the Department of Defense and national security priorities.

(2) The criteria established for purposes of the program required by paragraph (1) are as follows:

(2) (A) To promote the global superiority of the United States in advanced technologies of importance to national security, which are not adequately supported by private sector investment.

(B) To accelerate the transition and deployment of advanced technologies into the Armed Forces.

(C) To inform Department investment through coordinating planning consideration, determining roadmaps, and other analysis, as appropriate.

(2) PUBLIC-PRIVATE PARTNERSHIP.—(1) In carrying out subsection (a), the Secretary shall enter into a public-private partnership with one or more for-profit persons using criteria that the Secretary shall establish for purposes of this subsection.

(2) (A) A person described in paragraph (1) shall, in order to support investment of equity under paragraph (1), raise private capital only from trusted capital sources.

(B) A person described in paragraph (A) shall have sole authority to raise funds for, operate, manage, and invest capital raised under such subsection.

(3) Pursuant to a public-private partnership established under subsection (b), a person shall enter into a public-private partnership with a person using criteria that the Secretary determines to enhance the effectiveness of this program, including—

(1) a detailed description of how loan guarantees would be vetted, approved, and evaluated, including mechanisms to protect the government’s interests; and

(2) how such loan guarantees would be coordinated with other government investment mechanisms or other private sector financing.

(2) Not later than five years after the date of the enactment of this section, the Secretary shall provide the congressional committees with information on the effectiveness of that incentive and advisability of making it permanent.

(2) Definitions.—In this section:

(1) The term ‘domestic business’ has the meaning given the term ‘U.S. business’ in section 800.252 of title 31, Code of Federal Regulations, or successor regulation.

(2) The term ‘small businesses or nontraditional businesses’ means—

(A) a small business that is a domestic business;

(B) a nontraditional business that is a domestic business;

(3) The term ‘free from foreign oversight, control, influence, or beneficial ownership’, with respect to a person, means a person who has not raised and managed capital from a person or entity that is not trusted and is otherwise free from foreign oversight, control, influence, or beneficial ownership.

(4) The term ‘independent’, with respect to a person, means a person who lacks a conflict of interest accomplished by not having entity for its affiliation or ownership with an existing fund.

(5) The term ‘nontraditional business’ has the meaning given the term ‘nontraditional defense contractors’ in section 3014 of this title.

(6) The term ‘small business’ has the meaning given the term ‘small business concern’ in section 3 of the Small Business Act (15 U.S.C. 632).”}

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 is further amended by inserting after the item relating to section 4062 the following new item:

"§ 4063. Public-private partnership technology investment program.

SEC. 862. PERMANENT EXTENSION AND MODIFICATION OF MENTOR-PROTEGE PROGRAM.

(a) PERMANENT EXTENSION AND MODIFICATION.—Chapter 367 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4902. Mentor-Protege Program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish a program to be known as the ‘Mentor-Protege Program’. 

(b) PURPOSE.—The purpose of the program is to provide incentives for major Department of Defense contractors to furnish disadvantaged small business concerns with assistance in—

(1) enhance the capabilities of disadvantaged small business concerns to perform as subcontractors and suppliers under Department of Defense contracts and other contracts and subcontractors; and

(2) increase the participation of such business concerns as subcontractors and suppliers under Department of Defense contracts, other Federal Government contracts, and commercial contracts.

(2) PROGRAM ELIGIBILITY.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnishing assistance to disadvantaged small business concerns upon making application to the Secretary of Defense and being approved by the Secretary. A business concern participating in the program pursuant to such an approval shall be known, for the purposes of this program, as a ‘mentor firm’.

(2) A disadvantaged small business concern eligible for the award of Federal contracts may obtain assistance from a mentor firm upon entering into an agreement with the mentor firm as provided in subsection (e). A disadvantaged small business concern may not be a party to more than one agreement concurrently.

(3) A mentor firm shall have sole authority to raise funds for, operate, manage, and invest capital raised under such subsection.

(4) The person shall be eligible for access to the mentor firm’s corporate, financial, or other advice and assistance furnished such business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the program.

(5) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a disadvantaged small business concern. The Small Business Administration may determine the status of such business concern as a disadvantaged small business concern in the event of a protest regarding the status of such business concern. If at any time the Business concern is determined by the Small Business Administration not to be a disadvantaged small business concern, assistance furnished such business concern by the mentor firm during the 5-year period beginning on the date such mentor enters into the first such agreement. A disadvantaged small business concern receiving such assistance shall be known, for the purposes of the program, as a ‘protege firm’.

(6) (i) Subject to subsection (c)(1), a mentor firm may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the program pursuant to that agreement if the mentor firm—

(2) demonstrates that it—

(iv) is of good financial health and character and does not appear on a Federal list of debarred or suspended contractors; and

(iii) can impair value to a protege firm because of experience as a Department of Defense contractor or through knowledge of general business operations and government contracting, as demonstrated by evidence that—

(1) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the contracts awarded such mentor firm and the subcontract awards such mentor firm under Department of Defense contracts was equal to or greater than $50,000,000; or

(2) the mentor firm demonstrates the capability to assist in the development of protege firms, and is approved by the Secretary of Defense pursuant to 31 U.S.C. 632.
(2) A mentor firm may not enter into an agreement with a protege firm if the Administrator of the Small Business Administration has made a determination finding affiliation between the mentor firm and the protege firm.

(3) If the Administrator of the Small Business Administration has not made such a determination and if the Secretary has reason to believe (based on the regulations promulgated by the Administrator regarding affiliation that the mentor firm is affiliated with the protege firm, the Secretary shall request a determination regarding affiliation from the Administrator of the Small Business Administration.

(e) MENTOR-PROTEGE AGREEMENT.—Before providing assistance to a protege firm under the program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be provided by the mentor firm. The agreement shall include the following:

(1) A developmental program for the protege firm, in such detail as may be reasonable, including—

(A) factors to assess the protege firm’s developmental progress under the program;

(B) a description of the quantitative and qualitative benefits to the Department of Defense from the developmental program, if applicable;

(C) goals for additional awards that the protege firm can compete for outside the Mentor-Protege Program; and

(D) the mentor firm will provide to the protege firm in understanding contract regulations of the Federal Government and the Department of Defense (including the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement) after award of a subcontract under this section, if applicable.

(2) A participation term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years.

(3) Procedures for the mentor firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

(f) FORMS OF ASSISTANCE.—A mentor firm may provide a protege firm the following:

(1) Assistance, by using mentor firm personnel, including—

(A) general business management, including organizational management, financial management, and personnel management, marketing, and overall business planning;

(B) technical and technical matters such as production, inventory control, and quality assurance; and

(C) any other assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e).

(2) Award of subcontracts on a non-competitive basis to the protege firm under the Department of Defense or other contracts.

(3) Payment of progress payments for performance of the protege firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the cost incurred by the protege firm for the performance.

(4) Advance payments under such subcontracts.

(5) Assistance.

(6) Assistance obtained by the mentor firm for the protege firm from one or more of the following—

(A) the business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648);

(B) entities providing procurement technical assistance pursuant to this chapter;

(C) a historically Black college or university or a minority institution of higher education;

(D) women’s business centers described in section 29 of the Small Business Act (15 U.S.C. 656).

(g) INCENTIVES FOR MENTOR FIRMS.—(1) The Secretary of Defense may provide to a mentor firm reimbursement for the total amount of any progress payment or advance payment made under the program by the mentor firm to a protege firm in connection with a Department of Defense contract awarded the mentor firm.

(2)(A) The Secretary of Defense may provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to paragraphs (1) and (6) of subsection (f) (except as provided in subparagraph (D)) as provided for in a line item in a Department of Defense contract under which the mentor firm is furnishing products or services to the Department, subject to a maximum amount of reimbursement specified in such contract, except that this sentence does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.

(B) The decision in annual performance reviews of a mentor firm’s mentor-protege agreement shall be a major factor in the determinations of amounts of reimbursement. A mentor firm is eligible to receive in the remaining years of the program participation term under the agreement.

(C) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed $12,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount.

(D) The Secretary may not reimburse any fee assessed by the mentor firm for services provided to the protege firm pursuant to subsection (f)(6) or for business development expenses incurred by the mentor firm under a contract awarded to the mentor firm while participating in a joint venture with the protege firm.

(3)(A) Costs incurred by a mentor firm in providing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) shall be recognized in the following years of any sub-contract awards for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract, under a contract with another executive agency, or under a divisional or company-wide subcontracting plan negotiated with the Administrator of Defense or another executive agency.

(B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to—

(i) four times the total amount of such costs attributable to assistance provided by entities described in subsection (f)(6); and

(ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm’s employees; and

(iii) two times the total amount of any other such costs.

(C) Under regulations prescribed pursuant to subsection (j), the Secretary of Defense shall provide to a mentor firm pursuant to subparagraphs (A) and (B) if the Secretary determines that the firm’s performance regarding the award of contracts under such business concerns has declined without justifiable cause.

(4) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm for each subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

(A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing such product or service is a small business concern;

(B) the business concern formerly had a mentor-protege agreement with such mentor firm that was not terminated for cause.

(k) REPORT BY MENTOR FIRMS.—To comply with section 8(c)(7) of the Small Business Act (15 U.S.C. 637c(d)), each mentor firm shall submit a report to the Secretary not less than once each fiscal year that includes, for the preceding fiscal year—

(1) all technical or management assistance provided by mentor firm personnel for the purposes described in subsection (j)(1);

(2) any new awards of subcontracts on a competitive or noncompetitive basis to the mentor firm in the preceding fiscal year and the value of such subcontracts;
thering the purpose of the Mentor-Protege Small Business Programs of the Department GOALS AND PERIODIC REVIEWS.—The Office of Defense contracts, and addressing any impact on Department the protege firm, the impact on Department of Defense contracts or other contracts, including the value of such sub-contrats; the amount of any payment of progress payments or advance payments made to the protege firm for performance under any subcontract made under the Mentor-Protege Program; any loans made by the mentor firm to the protege firm; all Federal contracts awarded to the mentor firm or the protege firm as an independent venture, designating whether the award was a restricted competition or a full and open competition; any assistance obtained by the mentor firm for the protege firm from one or more—(A) small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 646); (B) entities providing procurement technical assistance pursuant to this chapter; or (C) historically Black colleges or universities or minority institutions of higher education; whether there have been any changes to the terms of the mentor-protege agreement, and a narrative describing the success assistance provided under subsection (f) has in addressing the developmental needs of the protege firm, the impact on Department of Defense contracts, and addressing any problems encountered.

(1) REVIEW OF REPORT BY THE OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of Defense shall review the report required by subsection (k) and, if the Office finds that the mentor-protege agreement is not furthering the purpose of the Mentor-Protege Program, decide not to approve any continuation of the agreement.

(m) ESTABLISHMENT OF PERFORMANCE GOALS AND PERIODIC REVIEWS.—The Office of Small Business Programs of the Department of Defense shall—

(1) establish performance goals consistent with the stated purpose of the Mentor-Protege Program and outcome-based metrics to measure progress in meeting those goals; and (2) report to congressional committees, not later than February 1, 2020, a report on progress made toward implementing these performance goals and metrics. The report shall review the procedures used to approve mentor-protege agreements.

(n) DEFINITIONS.—In this section:

(1) the term ‘affiliation’, with respect to a relationship between a mentor firm and a protege firm, means a relationship described under section 121.103 of title 13, Code of Federal Regulations (or any successor regulation).

(2) The term ‘disadvantaged small business concern’ means a firm that is not more than the size standard corresponding to its primary North American Industry Classification System code, is not owned or managed by individuals or entities that directly or indirectly have stock options or convertible securities in the mentor firm, and is—

(A) a small business concern owned and controlled by socially and economically disadvantaged individuals;

(B) a business entity owned and controlled by an Indian tribe as defined by section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(15));

(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15));

(D) a qualified organization employing severely disabled individuals;

(E) a small business concern owned and controlled by women, as defined in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D));

(F) a small business concern owned and controlled by service-disabled veterans (as defined in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)));

(G) a small business concern (as defined in section 31(b) of the Small Business Act (15 U.S.C. 657(b))); or

(H) a small business concern that—

(i) is a historically Black college and university means any of the historically Black colleges and universities referred to in section 2323 of this title, as effect on March 1, 2013;

(4) The term ‘minority institution of higher education’ means an institution of higher education with a student body that is not less than 50 percent minority as defined in section 312(b)(3), (4), and (5) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)(3), (4), and (5)).

(5) The term ‘qualified organization employing the severely disabled’ means a business entity operated on a for-profit or non-profit basis that—

(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

(B) employs severely disabled individuals at a rate of at least 20 percent of its total workforce;

(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

(6) The term ‘severely disabled individual’ means an individual who is blind (as defined in section 3014(d)(2)(B) of title 10, United States Code), has a physical disability, as such term is defined in section 3014 of this title, or is a person with a mental or intellectual disability, as such term is defined in section 3014(d)(2)(B).

(7) The term ‘small business concern’ has the meaning given such term under section 3014 of this title, as effect on March 1, 2023.

(8) The term ‘small business concern owned and controlled by socially and economically disadvantaged individuals’ has the meaning given in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(9) The term ‘subcontracting participation goal’, with respect to a Department of Defense contract, means a goal for the extent of the participation by disadvantaged small business concerns in the subcontract awards under such contract, as established pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 377 of title 10, United States Code, is amended by inserting after the item relating to section 401 the following new item:

‘4902. Mentor-Protege Program.

(c) REPEAL OF OBSOLETE AUTHORITY.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 4901 note prec.) is repealed.
The Director of the Defense Health Agency shall—
(1) not later than one year after the issuance of the guidance required under subsection (a), develop and publish implementing guidance for risk management for the Department of Defense supply chain for pharmaceuticals; and
(2) establish a working group—
(A) to assess risks to the Department's pharmaceutical supply chain;
(B) to identify the pharmaceuticals most critical to the Department's readiness, care at military treatment facilities; and
(C) to establish policies for allocating scarce pharmaceutical resources of the Department of Defense in case of a supply disruption.

SEC. 872. KEY ADVANCED SYSTEM DEVELOPMENT AND SUSTAINMENT.
(a) IN GENERAL.—Not later than March 1, 2023, and every 180 days thereafter, the Secretary shall—
(1) identify, in coordination with the Services, the Commanders of the United States Special Operations Command and the United States Cyber Command shall ensure that each such department and Command conducts an industry days; and
(2) raise awareness within such department and Command of—
(A) key advanced system development areas; and
(B) capability needs and existing and potential requirements related to the key advanced system development areas.

(b) RESPONSIBILITIES.—
(1) CHIEFS OF DEFENSE FORCES.—The chief of each of the armed forces residing in a military department and the Commanders of the United States Special Operations Command and the United States Cyber Command shall have primary responsibility for the following tasks at the industry days required under subsection (a) for each key advanced system development area:
(A) Identifying related or potentially related existing, planned, or potential military requirements, including urgent and emergent operational needs;
(B) Identifying and describing related or potentially related capability needs or gaps in warfighting mission areas;
(C) Identifying and describing related or potentially related capability needs or gaps in non-warfighting support areas.

(c) MONITORING OF PROGRESS.—In tracking the progress in carrying out subsection (a), the Secretary shall—
(1) track potential funding opportunities, including—
(i) broad agency announcements;
(ii) funding opportunity announcements;
(iii) unsolicited proposals; and
(iv) requests for quotes;
(2) in paragraph (b), by striking “three percent” and inserting “four percent”; and
(3) in paragraph (2)—
(A) by striking “Director” and inserting “Secretary”;
(B) in subparagraph (A), by inserting “industry and government participation,” after “for meetings”.

SEC. 873. MODIFICATION OF PROVISION RELATING TO DETERMINATION OF CERTAIN ACTIVITIES WITH UNUSUALLY HAZARDOUS RISKS.
Section 1684 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—
(1) in subsection (a), by striking “2022 and 2023” and inserting “2022 through 2024”; and
(2) in subsection (b), by striking “September 30, 2023” and inserting “September 30, 2024.”

SEC. 874. INCORPORATION OF CONTROLLED UNCLASSIFIED INFORMATION GUIDANCE INTO PROGRAM CLASSIFICATION GUIDES AND PROGRAM PROTECTION PLANS.
(a) UPDATES REQUIRED.—
(1) IN GENERAL.—The Secretary of Defense shall ensure that, through the Under Secretary of Defense for Intelligence and Security and the Under Secretary of Defense for Research and Engineering, ensure that all program classification guides (for classified programs) and all program protection plans (for unclassified programs) include guidance for the proper marking of controlled unclassified information in accordance with the guidance required by paragraph (1) at their next regularly scheduled update.

(b) MONITORING OF PROGRESS.—In tracking the progress in carrying out subsection (a), the Director of the Defense Intelligence Agency and the Under Secretary for Intelligence and Security and the Under Secretary of Defense for Research and Engineering shall implement a process for monitoring progress that includes the following:
(1) Tracking of all program classification guides and program protection plans to ensure...
include document portion marking for controlled unclassified information, and the dates when controlled unclassified information guidance updates are completed.

(2) In order to ensure that all government and contractor personnel using the guides described in subsection (a)(1) receive instruction, as well as periodic feedback to ensure that training is sufficient and properly implemented to ensure consistent application of document portion marking guidance.

(3) You shall use periodic spot checks, to ensure that training and maintenance, Defense-wide, and all that follows and inserting “shall advise the Under Secretary of Defense for Acquisition and Sustainment on industrial base policies.”

SEC. 902. CONFORMING AMENDMENTS RELATING TO REPEAL OF POSITION OF CHIEF INFORMATION OFFICER.

Section 2222 of title 10, United States Code, is amended—

(1) in subsection (c)(2), by striking “the Chief Management Officer” and inserting “ Assistant Secretary of Defense for Information Technology”;

(B) in paragraph (6), by striking “shall” and all that follows and inserting “ shall advise the Under Secretary of Defense for Acquisition and Sustainment on industrial base policies.”

SEC. 903. LIMITATION ON USE OF FUNDS UNTIL DEMONSTRATION OF PRODUCT TO IDENTIFY ARMED FORCES OF CONGRESS.

Of the funds authorized to be appropriated by section 301 for fiscal year 2023 for operation and maintenance, Defense-wide, and available as specified in the funding table in section 4301 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 of Defense submits the information operations strategy and posture review, including the designation of Information Operations Force Providers and Information Operations Joint Force Trainers for the Department of Defense, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives as required by section 1631(g) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397 note).

SEC. 904. LIMITATION ON USE OF FUNDS UNTIL DEMONSTRATION OF PRODUCT TO IDENTIFY ARMED FORCES OF CONGRESS.

Of the funds authorized to be appropriated by section 301 for fiscal year 2023 for operation and maintenance, Defense-wide, and available as specified in the funding table in section 4301 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 of Defense submits the information operations strategy and posture review, including the designation of Information Operations Force Providers and Information Operations Joint Force Trainers for the Department of Defense, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives as required by section 1631(g) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397 note).

SEC. 905. LIMITATION ON USE OF FUNDS UNTIL DEMONSTRATION OF PERFORMANCE CAPABILITY TO IDENTIFY ARMED FORCES OF CONGRESS.

Of the funds authorized to be appropriated by section 301 for fiscal year 2023 for operation and maintenance, Defense-wide, and available as specified in the funding table in section 4301 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 of Defense submits the information operations strategy and posture review, including the designation of Information Operations Force Providers and Information Operations Joint Force Trainers for the Department of Defense, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives as required by section 1631(g) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397 note).
(2) REQUIREMENTS NOT REQUIRED TO BE VALIDATED.—Except for requirements specified in subsections (b)(4) and (b)(5), requirements described in paragraph (1) are not required to be submitted by the Joint Requirements Oversight Council.

(3) INVENTORY OBJECTIVE REQUIREMENTS FOR NAVAL VESSELS TO TRANSPORT MARINES.—The Commandant of the Marine Corps shall be responsible for inventory objective requirements for naval vessels with the primary mission of transporting Marines.

SEC. 912. BRIDGING REVISIONS TO UNIFIED COMMAND PLAN.

Section 161(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, two em dashes to the right

(2) by striking “the President shall notify” and inserting the following: “the President shall—”

“(A) notify:

(3) in clause (ii), as redesignated by paragraph (1), by striking the period at the end and inserting “; and”;

and

(4) adding at the end the following new subparagraph:

“(B) during that 60-day period, provide to the congressional defense committees a briefing on the revisions described in subparagraph (A)(ii).”.

SEC. 913. UPDATES TO MANAGEMENT REFORM FRAMEWORK.

Section 128(b) of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “2022” and inserting “2023”; and

(B) in paragraph (3), by inserting “the Director for Administration and Management of the Department of Defense,” after “the Chief Information Officer of the Department of Defense,”; and

(2) in subsection (d)—

(A) by redesignating paragraph (6) as paragraph (9); and

(B) by inserting after paragraph (5) the following new paragraphs:

“(6) Development and implementation of a uniform methodology for tracking and assessing cost savings and cost avoidance from reform initiatives.

“(7) Implementation of reform-focused research to improve management and administrative science.

“(8) Tracking and implementation of technology to improve management decision-making, such as artificial intelligence tools.”.

SEC. 914. STRATEGIC MANAGEMENT DASHBOARD DEMONSTRATION.

(a) IN GENERAL.—The Secretary of Defense shall conduct a demonstration of a strategic management dashboard to automate the data collection and visualization of the primary management goals of the Department of Defense.

(b) REQUIREMENTS.—The Secretary shall ensure that the strategic management dashboard demonstrated under subsection (a) includes the following:

(1) The capability for real-time monitoring of the performance of the Department in meeting the management goals of the Department.

(2) A fully integrated analytics capability, including the ability to dynamically add or upgrade new capabilities when needed.

(3) Integration with the framework required by subsection (c) of section 125a of title 10, United States Code, for measuring the progress of the Department toward covered elements of reform (as defined in subsection (d) of this section).

(4) Incorporation of the elements of the strategic management plan required by section 904(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2201 note prec.), as derived from automated data feeds from existing information systems and databases.

(5) Incorporation of the elements of the most recent annual performance plan of the Department required by section 1115(b) of title 10, United States Code, and the most recent update on performance of the Department required by section 1116 of that title.

(6) Use of artificial intelligence and machine learning to improve decision making and assessment relating to data analytics.

(7) Adoption of leading and lagging indicators for key strategic management goals.

(c) AUTHORITIES.—

(1) IN GENERAL.—In conducting the demonstration required by subsection (a), the Secretary may use the authorities described in paragraph (2), and such other authorities as the Secretary considers appropriate—

(A) to help spur innovative technological or process approaches; and

(B) to attract new entrants to solve the data management and visualization challenges of the Department.

(2) AUTHORITY DESCRIBED.—The authorities described in this paragraph and the authorities provided under the following provisions of title 10, United States Code, are described as those issued by the Chief—

(A) Section 4025 of title 10, United States Code, relating to prizes for advanced technology achievements.

(B) Section 904(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2222 note) (relating to science and technology activities to support business systems information technology acquisition programs).


(d) USE OF BEST PRACTICES.—In conducting the demonstration required by subsection (a), the Secretary shall leverage commercial best practices in management and leading research in management and data science.

SEC. 915. DEMONSTRATION PROGRAM FOR COMPONENT CONTENT MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Not later than July 1, 2023, the Director of the Office of the Secretary of Defense, in coordination with the Chief Digital and Artificial Intelligence Officer and the Director of the Joint Artificial Intelligence Center, shall complete a pilot program to demonstrate the application of component content management systems to a distinct set of data of the Department.

(b) SELECTION OF DATA SET.—In selecting a distinct set of data of the Department for purposes of the pilot programs required by subsection (a), the Chief Information Officer shall consult with, at a minimum, the following:

(1) The Office of the Secretary of Defense with respect to directives, instructions, and other regulatory documents of the Department.

(2) The Office of the Secretary of Defense and the Joint Staff with respect to execution orders.

(3) The Office of the Under Secretary of Defense for Research and Engineering and the military departments with respect to technical manuals.

(4) The Office of the Under Secretary of Defense for Research and Engineering with respect to Contract Data Requirements List documents.

(c) AUTHORITY TO ENTER INTO CONTRACTS.—Subject to the availability of appropriations, the Secretary of Defense may enter into contracts or transactions with public or private entities to conduct studies and demonstration projects under the pilot program required by subsection (a).

(d) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall provide to the congressional defense committees a briefing on plans to implement the pilot programs established by this section.

Subtitle C—Space Force Matters

SEC. 921. VICE CHIEF OF SPACE OPERATIONS.

(a) CODIFICATION OF POSITION OF VICE CHIEF OF SPACE OPERATIONS.—Chapter 908 of title 10, United States Code, is amended by inserting after section 9082 the following new section:

“§ 9082a. Vice Chief of Space Operations

“(a) APPOINTMENT.—There is a Vice Chief of Space Operations, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list of the Space Force not restricted in the performance of duty.

“(b) GRADE.—The Vice Chief of Space Operations, while so serving, has the grade of major general without vacating his permanent grade.

“(c) AUTHORITY AND DUTIES.—The Vice Chief has such authority and duties with respect to the Space Force as the Chief, with the approval of the Secretary of the Air Force, may delegate to or prescribe for the Vice Chief. Orders issued by the Vice Chief in performing such duties have the same effect as those issued by the Chief.

“(d) VACANCIES.—When there is a vacancy in the office of the Vice Chief of Space Operations, or during the absence or disability of the Chief—

“(1) the Vice Chief of the Space Operations shall perform the duties of the Chief until a successor to the Chief is appointed or the absence or disability ceases; or

“(2) if there is a vacancy in the office of the Vice Chief of Space Operations or the Vice Chief is absent or disabled, unless the President directs otherwise, the most senior officer of the Space Force in the Headquarters, Space Force, who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief until a successor to the Chief or the Vice Chief is appointed or until the absence or disability ceases, whichever occurs first.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 908 of title 10, United States Code, is amended by inserting after the item relating to section 9082 the following new item:

“(9082a. Vice Chief of Space Operations).”

SEC. 922. ESTABLISHMENT OF FIELD OPERATING AGENCIES AND DIRECT REPORTING UNITS OF THE SPACE FORCE.

(a) IN GENERAL.—Chapter 908 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 9087. Field operating agencies and direct reporting units

“(a) AUTHORITY.—The Secretary of the Air Force may establish within the Space Force the following:

“(1) An Enterprise Talent Management Office to provide whole-life-cycle talent management aligned to the needs of the Space Force.

“(2) A Space Warfighting Analysis Center to conduct analysis, forecasting, wargaming, and experimentation to create operational concepts and develop future force design options.

“(b) ORGANIZATION.—

“(1) ENTERPRISE TALENT MANAGEMENT OFFICE.—If, pursuant to the authority provided
by subsection (a)(1), the Secretary establishes a Enterprise Talent Management Office, the Office shall operate as a field operating agency of the headquarters of the Space Force.

“(2) SPACE WARTIME ANALYSIS CENTER.—If, pursuant to the authority provided by subsection (a)(2), the Secretary establishes a Space Wartime Analysis Center, the Center shall operate as a direct reporting unit of the Chief of Space Operations.”.

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

“§ 20401. [Reserved]”.

SEC. 923. FRAMEWORK FOR NEW SUBTITLE F OF TITLE 10, UNITED STATES CODE, ON SPACE COMPONENT.

(a) In General.—Title 10, United States Code, is amended by adding at the end the following new subtitle:

“Subtitle F—Space Component

"Chap. .............................................. 2001
"2004. [Reserved] ............................... 2004
"2005. [Reserved] ............................... 2005

"CHAPTER 2001—[RESERVED]"

“Sec. 20101. [Reserved].
§ 20101. [Reserved].
"CHAPTER 2002—[RESERVED]"

“Sec. 20201. [Reserved].
§ 20201. [Reserved].
"CHAPTER 2003—[RESERVED]"

“Sec. 20301. [Reserved].
§ 20301. [Reserved].
"CHAPTER 2004—[RESERVED]"

“Sec. 20401. [Reserved].
§ 20401. [Reserved].
"CHAPTER 2005—[RESERVED]"

“Sec. 20501. [Reserved].
§ 20501. [Reserved].

(1) TAYLOR OF SUBTITLES.—The table of subtitles at the beginning of title 10, United States Code, is amended by adding at the end the following new item:

“F. Space Component ................................ 20101
“§ 20101. [Reserved].
“CONTIGENT REPEAL.—If subtitle F of title 10, United States Code, as added by subsection (a), or any chapter of that subtitle, as so added, is repealed during the period beginning on the day after the date of the enactment of this Act and ending on December 31, 2028, such subtitle or chapter, as the case may be, is repealed effective on January 1, 2027.

SEC. 924. STUDY OF PROPOSED SPACE FORCE REORGANIZATION.

(a) In General.—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 one or more federally funded research and development centers to conduct a study on the proposed reorganization of the Space Force and the establishment of the Space Component.

(b) ELIMINATING.—The study referred to in subsection (a) shall include a comprehensive review and assessment of—

(1) the feasibility and advisability of—
(A) exempting the proposed Space Component from the existing “up or out” system of officer career advancement first established by the Secretary of Defense, United States Code, made by the Defense Officer Personnel Management Act (Public Law 96–513; 94 Stat. 2835);
(B) combining active and reserve components in a new, single Space Component and whether a similar outcome could be achieved using the existing active and reserve component framework; and
c.(2) all statutory changes to allow reserve officers to serve on sustained active duty;
(C) creating career flexibility for reserve members of the Space Component, including members in shifting retirement points earned from one year to the next and allowing members of the Space Force to move back and forth between active and reserve status for prolonged periods of time across a career;
(D) the implications of the proposed reorganization of the Space Force on the development of space as a warfighting domain in the profession of arms, particularly with respect to officer leadership, development, and stewardship of the profession;
(3) whether government ethics regulations are adequate to address potential conflicts of interest for Space Component officers who seek to move back and forth between sustained active duty and working for private sector organizations in the space industry as reserve officers in the Space Component;
(4) whether the proposed Space Component framework is consistent with the joint service requirements of chapter 38 of title 10, United States Code;
(b) budgetary implications of the establishment of the Space Component;
(5) the nature of the relationship with private industry and civilian employers that would be consistent with and consistent with professional ethics to successfully implement the Space Component; and
(6) any other issues the Secretary or the Secretary of Defense, budget and development center considers relevant.

(c) DIVERSITY AND INCLUSION.—The study referred to in subsection (a) shall include an assessment of the proposed reorganization of the Space Force and the establishment of the Space Component on advancing diversity and inclusion in the Space Component.
(d) LIMITATION ON DELEGATION.—The authority provided under this section may not exceed $6,000,000,000.

(e) REPORT REQUIRED.—Not later than December 31, 2023, 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 study referred to in subsection (a).

TITLe X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2023 between any such authorizations for that fiscal year (or any subdivisions thereof). The amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which they were 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) EXCLUSION 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 AMOUNT.—A transfer made from one military personnel authorization 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. REPORT ON BUDGETARY EFFECTS OF INFLATION.

(a) ANNUAL REPORT.—Not later than 30 days following the submission of the President’s budget under section 1105 of title 31, United States Code, the Secretary of Defense shall deliver to the Senate and the House of Representatives a report on observed and anticipated budgetary effects related to inflation, including—

(1) the relevant inflation index used and the estimated and actual inflationary budgetary effects by sub-appropriation account for the previous two fiscal years and the current fiscal year;

(2) the enacted or requested appropriation amount by sub-appropriation;

(3) a calculation of estimated budgetary effects due to inflation using the previous fiscal year’s estimated indices compared to those of the current fiscal year;

(4) a summary of any requests for equitable adjustment, exercising of economic price adjustment (EPA) clauses, or bilateral contract modifications to include an EPA, including the contract type and fiscal year and type and amount of appropriation used for the contract;

(5) a summary of any methodological changes in Department of Defense cost estimation practices for inflationary budgetary effects; and

(6) any other matters the Secretary determines appropriate.

(b) PERIODIC BRIEFING.—Not later than 60 days following the conclusion of the Department of Defense budget mid-year review, the Secretary of Defense shall provide the congressional defense committees with a briefing on—

(1) any changes in the observed or anticipated inflation indices included in the report required under subsection (a);

(2) any actions taken by the Department of Defense to respond to changes discussed in such report, with specific dollar value figures; and

(3) any requests for equitable adjustment received by the Department of Defense, economic price adjustment clauses exercised, or bilateral contract modifications to include an EPA made since the transmission of the report required under subsection (a).

Subtitle B—Counterdrug Activities

SEC. 1011. EXTENSION OF AUTHORITY AND ANNUAL REPORT ON UNIFIED COUNTERDRUG AND COUNTERTERROISM CAMPAIGNS IN COLOMBIA.

SEC. 1022. MODIFICATION TO LIMITATION ON DE- COMMISSIONING OR INACTIVATING A BATTLE FORCE SHIP BEFORE THE END OF ITS SERVICE LIFE.

(a) IN GENERAL.—Section 8768a(a)(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "2023" and inserting "2022"; and

(2) in paragraph (2), by striking the period at the end and inserting a colon.

(b) LIMITATION.—Section 8768a(a)(b) of title 10, United States Code, is amended by striking "Secretary of Defense shall submit to Congress a report that includes the following:"

(1) An assessment of the threat to Colombia from narcotics trafficking and activities by organizations designated as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(2) A description of the plan of the Government of Colombia for the unified campaign described in subsection (a).

(3) A description of the activities supported using the authority provided by subsection (a).

(4) An assessment of the effectiveness of the activities described in paragraph (3) in addressing the threat described in paragraph (1).

Subtitle C—Naval Vessels

SEC. 1021. MODIFICATION TO ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.

Section 231(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(4) by inserting "or amphibious warfare ship" before the period; and

(5) by inserting "or amphibious warfare ship" before the period.".

SEC. 1022. AMPHIBIOUS WARSHIP FORCE STRUCTURE.

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

(1) in subsection (b)—

(A) in the first sentence, by inserting "and not less than one additional amphibious warship, of which not less than 10 shall be amphibious assault ships": before the period; and

(B) in the second sentence—

(i) by inserting "or amphibious warfare ship": before "includes"; and

(ii) by inserting "or amphibious warfare ship": before "of which is temporarily unavailable":; and

(B) in paragraph (3) by striking the period at the end and inserting a colon; and

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

"(4) the Navy adjusts scheduled maintenance and repair actions to maintain a minimum of 24 amphibious warfare ships operationally available for worldwide deployment."; and

(3) by adding at the end the following new subsection:

"(6) The term 'amphibious warfare ship' means a ship that is classified as an amphibious assault ship (general purpose) (LHA), an amphibious assault ship (multi-purpose) (LHD), an amphibious transport dock (LPD), or a dock landing ship (LSD)."

SEC. 1023. MODIFICATION AND 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.


Subtitle D—Counterterrorism

SEC. 1031. MODIFICATION AND EXTENSION OF PROHIBITION ON THE USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.


Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. DEPARTMENT OF DEFENSE—DEPARTMENT OF VETERANS AFFAIRS DISCHARGE REVIEW BOARD COMMITTEE.

(a) ESTABLISHMENT OF JOINT EXECUTIVE COMMITTEE.—

(1) IN GENERAL.—There is established an interagency committee to advise the Under Secretary of Defense for Personnel and Readiness and the Deputy Secretary of Veterans Affairs on matters relating to the Joint Executive Committee.

(b) MEMBERSHIP.—The Committee shall be composed of the following:

(1) The Under Secretary of Defense for Personnel and Readiness; and

(2) The Deputy Secretary of Veterans Affairs and such other officers and employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs may designate.
SEC. 1042. MODIFICATION OF PROVISIONS RELATING TO CROSS-FUNCTIONAL TEAM FOR EMERGING THREAT TO ANOMALOUS HEALTH INCIDENTS.

Section 910 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 111 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “and any other” and inserting “and”;

(B) in paragraph (2), by striking “including the following:” and inserting “,”; including the causation, attribution, mitigation, identification, and treatment for such incidents;”;

(C) in paragraph (3), by striking “and” and inserting “or”;

(D) in paragraph (6), by striking “and” and inserting “or”;

(E) by inserting “and” after “interact”;

(F) by striking “agency” and inserting “agents”;

(G) by inserting “and” after “point”;

(2) in subsection (e), by striking “90 days” and all that follows through “of enactment” and inserting “March 1, 2023, and not less than once every 180 days thereafter”; and

(3) any other efforts regarding such incidents that the Secretary considers appropriate;” and

(4) in subsection (f), by striking “30 days” and all that follows through “of enactment” and inserting “after the date of the enactment of this section,”.

SEC. 1043. CIVILIAN CASUALTY PREVENTION, MITIGATION, AND RESPONSE.

(a) ESTABLISHMENT OF OFFICE FOR CIVILIAN CASUALTY PREVENTION, MITIGATION, AND RESPONSE.—

(1) IN GENERAL.—(A) Subject to the authority, direction, and control of the Secretary of Defense, the Office shall be established within the Department of Defense, to be known as the ‘Office for Civilian Casualty Prevention, Mitigation, and Response’ (in this section referred to as the ‘Office’), to serve as the focal point for matters related to civilian casualties and other forms of civilian harm resulting from military operations involving the United States Armed Forces.

(B) RESPONSIBILITIES.—Subject to the authority, direction, and control of the Secretary, the Office shall be responsible—

(1) collecting data and reports of investigations related to civilian casualty incidents;

(2) analyzing data and trends with respect to civilian casualties;

(3) conducting regular reviews of civilian harm prevention, mitigation, and response policies and practices across the Department of Defense;

(4) referring civilian casualty incidents for investigation by appropriate components within the Department of Defense, when necessary;

(5) making recommendations to the Secretary and the Joint Chiefs of Staff to improve civilian harm prevention, mitigation, and response;

(6) ensuring lessons learned from investigations of civilian casualty incidents are captured and institutionalized within policy, training, and tactics, techniques, and procedures of the Department of Defense;

(7) coordinating and synchronizing efforts across all joint staff commands, the Department of State, and other relevant United States Government departments and agencies to prevent, mitigate, and respond to civilian casualty incidents;

(8) engaging with nongovernmental organizations and civilian casualty experts; and

(9) such other responsibilities as are directed by the Secretary.

(b) RESPONSIBILITIES.—Subject to the authority, direction, and control of the Secretary, the Office shall be responsible—

(1) referring and coordinating actions with respect to matters that pertain to the coordination and sharing of resources between the Department of Defense and the Department of Veterans Affairs;

(2) identifying recommendations for matters relating to the review boards described in subsection (a)(1) as the Committee considers appropriate.

(c) FUNCTIONS.—In order to enable the Committee to make recommendations in its annual report under subsection (e)(2), the Committee shall do the following:

(1) Review existing policies, procedures, and practices regarding reviews under section 1553 of title 10, United States Code, with respect to matters that pertain to the coordination and sharing of resources between the Department of Defense and the Department of Veterans Affairs.

(2) Identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial, non-redundant, or exchange of services and resources of the two Departments, with the goal of improving the quality, efficiency, and effectiveness of the review boards under section 1553 of such title for veterans, members of the Armed Forces, individuals who retired from service in the Armed Forces, and their families through an enhanced partnership between the two Departments.

(3) Identify and assess further opportunities for the coordination and collaboration between the agencies that, in the judgment of the Committee, would positively affect the review process under section 1553 of such title.

(4) Review the implementation of activities described to promote the coordination and sharing of resources between the Department for matters relating to the review process under section 1553 of such title.

(5) Identify and assess strategies, which either or both Departments may implement, that would increase outreach to former members of the Armed Forces described in subsection (b)(1) of section 1553 of such title who may qualify for relief under such section.

SEC. 1044. PROHIBITION ON DELEGATION OF AUTHORITY TO DESIGNATE FOREIGN PARTNER FORCES AS ELIGIBLE FOR THE PROVISION OF COLLECTIVE SELF-DEFENSE SUPPORT BY UNITED STATES ARMED FORCES.

(a) PROHIBITION ON DELEGATION.—The authority to designate foreign partner forces as eligible for the provision of collective self-defense support by the United States Armed Forces may not be delegated below the Secretary of Defense.

(b) LIMITATION ON DELEGATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review existing...
designations of foreign partner forces as eligible for the provision of collective self-defense support by the United States Armed Forces and provide the congressional defense committees with a certification that such designations remain valid.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as invalidating a designation of foreign partner forces as eligible for the provision of collective self-defense support by the United States Armed Forces that is in effect as of the date of the enactment of this Act.

(d) COLLECTIVE SELF-DEFENSE DEFINED.—In this section, the term ‘‘collective self-defense by the United States Armed Forces’’ means the use of United States military force to defend designated foreign partner forces, their facilities, and their property.

SEC. 1045. PERSONNEL SUPPORTING THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS COMMANDS AND LOW INTELLIGENCE CONFLICT.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for adequately staffing the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to fulfill the requirements of section 1308(b)(2)(A)(i) of title 10, United States Code, for exercising authority, direction, and control of all special-operations peculiar administrative matters and operations for the organization, training, and equipping of special operations forces.

(b) ADDITIONAL INFORMATION.—The Secretary shall ensure the plan required under subsection (a) is informed by the manpower study required by the Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as invalidating a designation of foreign partner forces as eligible for the provision of collective self-defense support by the United States Armed Forces that is in effect as of the date of the enactment of this Act.

(d) COLLECTIVE SELF-DEFENSE DEFINED.—In this section, the term ‘‘collective self-defense by the United States Armed Forces’’ means the use of United States military force to defend designated foreign partner forces, their facilities, and their property.
to the congressional defense committees an annual report on such joint force headquarters.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the mission and lines of effort of the joint force headquarters.

(B) The resources and other support resources supporting the joint force headquarters, including support external to the headquarters.

(C) A description of the operational chain of command of the joint force headquarters.

(D) An assessment of the manning and resourcing of the joint force headquarters, including any assignments.

(E) A description of the relationship with existing entities in Indo-Pacific Command, including an assessment of complementary and duplicative activities with such entities and the joint force headquarters.

(3) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(g) DEFINITIONS.—In this section:

(1) The term ‘Family of Integrated Targeting Cells’ means the Maritime Targeting Cell-Afloat, the Maritime Targeting Cell-Expeditory, the Tactical Intelligence Targeting Access Node, and other interoperable tactical ground stations able to task the collection of, receive, process, and disseminate track and targeting information from many sensing systems in a faster communications conditions.

(2) The term ‘joint all domain command and control’ means the warfighting capability to sense, make sense, and act at all levels and phases of war, across all domains, and with partners, to deliver information advantage at the speed of relevance.

(3) The term ‘mission command’ means pre-approved, operational event-driven authorities and capabilities that ensure decentralized mission execution and operational effectiveness during situations where communications are denied, disconnected, intermittent, and limited.

SEC. 1047. EXTENSION OF ADMISSION TO GUAM OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN NONMIGRANT H-2B WORKERS.

Section 6(b)(1)(B) of the Joint Resolution entitled ‘A Joint Resolution to approve the ‘Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Status with the United States’’; and

Section 1094 (Commission on Emerging Biotechnology).

(b) USE OF FUNDS.—The Secretary may provide such support as the Secretary considers appropriate for the funeral or related memorial events of memorial events for Members and former Members of Congress.

(2) Requests for Support; Secretary’s Determination.—The Secretary may provide support under this section—

(B) Requests for Support; Secretary’s Determination.—The Secretary may provide support under this section—

(1) upon request from the Speaker of the House of Representatives, the Majority Leader of the House of Representatives, the Minority Leader or the Senate, or the Minority Leader of the Senate; and

(2) if the Secretary determines such support is necessary to carry out duties or responsibilities of the Department of Defense.

(c) Use of Funds.—The Secretary may use funds authorized to be appropriated for operations and maintenance to provide support under this section.

(d) REPORT.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to December 31, 2023 and inserting “December 31, 2029”.

SEC. 1049. DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN MEMORIAL EVENTS FOR MEMBERS AND FORMER MEMBERS OF CONGRESS.

(a) General.—Chapter 3 of title 10, United States Code, as amended by inserting after section 130 the following new section:

“§ 130a. Department of Defense support for funerals and related memorial events for Members and former Members of Congress.

(1) the impact of such efforts and support on the strategic posture of the United States;

(2) the impact of such efforts and support on the security situation along the southwest border of the United States;

(3) the impact of such efforts and support on the security situation referred to in paragraph (2);

(4) any recommendations for whether the southwest border mission of the Department of Defense should be expanded to respond to the security situation referred to in paragraph (2);

(5) the impact of such efforts and support on the ability of the Secretary of Defense to provide defense capabilities, at the request of such commission, and amounts may be paid to a covered commission for the purposes of funding such commission from amounts appropriated to the Department of Defense in the National Defense Authorization Act for Fiscal Year 2023, or amounts provided in advance in appropriations Acts.

(b) COVERED COMMISSION DEFINED.—In this section, the term ‘covered commission’ means a commission pursuant to the following sections of the National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–81):

(1) Section 1094 (Commission on Planning, Programming, Budgeting, and Execution Reform).

(2) Section 1091 (National Security Commission on Emerging Biotechnology).

(3) Section 1094 (Afghanistan War Commission).

(4) Section 1095 (Commission on the National Defense Strategy).

(5) Section 1867 (Congressional Commission on the Strategic Posture of the United States).

Subtitle F—Studies and Reports

SEC. 1061. SUBMISSION OF NATIONAL DEFENSE STRATEGY IN CLASSIFIED AND UNCLASSIFIED FORM.

Section 1132(g)(1)(D) of title 10, United States Code, as amended by striking “in classified form with an unclassified summary” and inserting “in both classified and unclassified form. The unclassified form may not be a summary of the classified form”.

SEC. 1062. REPORT ON IMPACT OF CERTAIN ETHICS REQUIREMENTS ON DEPARTMENT OF DEFENSE HIRING, RETENTION, AND OPERATIONS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a study assessing whether the statutory ethics requirements unique to the Department of Defense and as set forth in paragraph (3) have had an impact on the hiring or retention of personnel at the Department of Defense, particularly those with specialized experience or training.

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

(A) An examination of how the statutory ethics requirements set forth in paragraph (3) are inconsistent or incongruent with ethics statutes that apply to all executive branch employees.

(B) An examination of how the statutory ethics requirements set forth in paragraph (3) have impacted hiring and retention of personnel, particularly those with specialized experience or training.

(C) An examination of how any confusion in the interpretation of the statutory ethics

(4) Section 1094 (Commission on the National Defense Strategy).

(5) Section 1867 (Congressional Commission on the Strategic Posture of the United States).

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

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

“(3) that results in enrollment in a Warrior in Transition program, as defined in section 738(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–182; 10 U.S.C. 2104) and

(2) in subsection (c), by striking ‘or (3)’ and inserting ‘, or (3), or (4)’.”

SEC. 1051. TECHNICAL AMENDMENTS RELATED TO RECENTLY ENACTED COMMISSIONS.

(a) ASSISTANCE FROM DEPARTMENT OF DEFENSE.—The Department of Defense may provide assistance to covered commissions pursuant to the following sections of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81):

(1) Section 1094 (Commission on Planning, Programming, Budgeting, and Execution Reform).

(2) Section 1091 (National Security Commission on Emerging Biotechnology).

(3) Section 1094 (Afghanistan War Commission).

(4) Section 1095 (Commission on the National Defense Strategy).

(5) Section 1867 (Congressional Commission on the Strategic Posture of the United States).
requirements set forth in paragraph (3)(B) may have impacted the hiring or retention of personnel, particularly those with specialized experience or training, at the Department of Defense.

(D) An examination of how the statutory ethics requirements set forth in subparagraph (B) and (C) of paragraph (3) may impact the ability of the National Defense Authorization Act for Fiscal Year 2022 to support national security.

(E) Any suggested changes to the statutory ethics requirements set forth in paragraph (3) to further the goals behind the requirements for maintaining the Department of Defense’s ability to hire and retain personnel, and obtain expertise from academia, think tanks, industry, and other groups to support national security.

(3) COVEREDETHICS REQUIREMENTS.—The ethics requirements referred to in paragraph (1) are the following provisions of law:


(B) Section 1045 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 971 note prec.).


(D) Section 988 of title 10, United States Code.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the federally funded research and development center with which the Secretary contracts under subsection (a) shall submit to the Secretary a report containing the results of the study conducted pursuant to that subsection.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after the Secretary receives the report under paragraph (1), the Secretary shall transmit a copy of the report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

SEC. 1063. EXTENSION OF CERTAIN REPORTING DEADLINES.

(a) COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REFORM.—Section 1009(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 886) is amended—

(1) in paragraph (1), by striking “February 6, 2023” and inserting “August 6, 2023”;

(2) in paragraph (2), by striking “September 1, 2023” and inserting “March 1, 2024”;

(b) NATIONAL SECURITY COMMISSION ON EMERGING BIOTECHNOLOGY.—Section 1091(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1931) is amended—

(1) in paragraph (1), by striking “2 years after” and inserting “2 years and 6 months after”;

(2) in paragraph (2), by striking “1 year after” and inserting “1 year and 6 months after”.

(c) COMMISSION ON THE NATIONAL DEFENSE STRATEGY.—Section 1095(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1945) is amended—

(1) in paragraph (1), by striking “one year after” and inserting “one year and 6 months after”;

(2) in paragraph (2), by striking “180 days after” and inserting “one year after”.

(d) COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.—Section 1687(d) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2128) is amended—

(1) in paragraph (1), by striking “December 31, 2022” and inserting “June 30, 2023”;

(2) in paragraph (3), by striking “180 days after” and inserting “one year after”;

Subtitle G—Other Matters

SEC. 1071. ANNUAL RISK ASSESSMENT.

Section 222a of title 10, United States Code, is amended—

(1) in the section heading, by inserting “and risk assessment” after “priorities”;

(2) in subsection (a), by inserting “and risk assessment” after “priorities”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “ELEMENTS” and inserting “UNFUNDED PRIORITIES REPORT”;

(B) by striking “report under this subsection” and inserting “unfunded priority report required under subsection (a)”;

(C) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection:

“(d) RISK ASSESSMENT ELEMENTS.—Each risk assessment required under subsection (a) shall specify, in writing, the following:

“(1) An assessment of the risks associated with the National Military Strategy (or update) under section 153(b)(1) of this title.

“(2) Any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions.

“(3) Military strategic risks to United States interests and military risks in executing the National Military Strategy (or update).

“(4) Identification and definition of levels of risk, including an identification of what constitutes ‘significant’ risk in the judgment of the officer.

“(5) Identification and assessment of risk in the National Military Strategy (or update) by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time.

“(6) For each category of risk, an assessment of the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the current future years defense program under section 221 of this title.

“(7) Identification and assessment of risks associated with the assumptions or plans of the National Military Strategy (or update) about the contributions of external support, as appropriate.

“(8) Identification and assessment of the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) and identification and assessment of the effect of such deficiencies on the National Military Strategy (or update).

“(9) Identification and assessment of risk resulting from, or likely to result from, current or projected effects on military installations, including the Joint Concept for Competing.

“(10) Any other matters the Secretary of Defense determines relevant.

“(b) PURPOSES.—The purposes of the Joint Concept for Competing are—

(1) to define the role of the United States Armed Forces in long-term strategic competition with specific adversaries;

(2) to guide the planning of the Department of Defense joint forces and employment of capabilities to eliminate opportuni-

ties for adversary aggression during day-to-day competition, deter adversary military action, and set conditions for victory during sustained conflict;

(3) describe the manner in which the Department of Defense will utilize its forces, capabilities, posture, indications and warning systems, and authorities to protect the United States national interests, including integration with other instruments of national power and through security cooperation with partners and allies and operations, particularly below the threshold of traditional armed conflict;

(4) identify priority lines of effort and assign responsibility to relevant military services, combatant commands, and other elements of the Department of Defense for each specified line of effort in support of the Joint Concept for Competing; and

(5) provide a means for integrating and continuously improving the Department’s ability to engage in long-term strategic competition.

(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 2 years, the Secretary of Defense shall transmit a report to the congressional defense committees on the implementation of the Joint Concept for Competing.

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

(A) A detailed description of actions taken by the Department of Defense relative to the purposes specified under subsection (b).

(B) An articulation of any new concepts or strategies necessary to support the Joint Concept for Competing.

(C) An articulation of any capabilities, resources, or authorities necessary to implement the Joint Concept for Competing.

(D) An explanation of the manner in which the Joint Concept for Competing relates to and integrates with the Joint Warfighting Concepts.

(E) An explanation of the manner in which the Joint Concept for Competing synchronizes and integrates with efforts of other departments and agencies of the United States Government to address long-term strategic competition.

(F) Any other matters the Secretary of Defense determines relevant.

SEC. 1072. PRIORITIZATION AND ACCELERATION OF INVESTMENTS TO ATTAIN THREAT NETWORK LEVEL 4 CAPABILITY AT TRAINING RANGES SUPPORTING F-35 OPERATIONS.

(a) SENSE OF CONGRESS.—It is the sense of the Senate that—

(1) the Air Force must train to fight and win in highly contested and competitive environments against technologically advanced adversaries;

(2) in order for the Air Force to be proficient in tactics, techniques, and procedures and effectively execute at an operational level, the Air Force must train in an accurately replicated multi-domain environment for joint operations;

(3) the Air Force can emulate only a fraction of existing and emerging threats to a level suitable for advanced sensors and cannot accurately test or degrade the environment with the threats available at the two major training ranges of the Air Force; and

(4) since the Secretary of the Air Force cannot afford to allocate advanced capabilities across all ranges, the Air Force must prioritize developments and upgrades for ranges to ensure that one or more ranges can achieve test bed capability to conduct advanced F-35 training.

(b) UPGRADE OF FACILITIES.—
SEC. 1075. PILOT PROGRAM ON SAFE STORAGE OF PERSONALLY OWNED FIREARMS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to promote the safe storage of personally owned firearms.

(b) ELEMENTS.—Under the pilot program under subsection (a), the Secretary of Defense shall furnish to members of the Armed Forces who are participating in the pilot program at military installations selected under subsection (f) locking devices or firearm safes, or both, for the purpose of securing personally owned firearms when not in use (including by directly providing, subleasing, or otherwise making available such devices or safes).

(c) PARTICIPATION.—

(1) VOLUNTARY PARTICIPATION.—Participation by all of the Armed Forces may in the pilot program under subsection (a) shall be on a voluntary basis.

(2) LOCATION OF PARTICIPANTS.—A member of the Armed Forces may participate in the pilot program at military installations selected under subsection (f) regardless of whether the member is using locking devices or firearm safes, or both, for the purpose of securing personally owned firearms when not in use (including by directly providing, subleasing, or otherwise making available such devices or safes).

(d) PLAN.—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 plan for the implementation of the pilot program under subsection (a).

(1) RELOCATION OF INSTALLATIONS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than five military installations at which to carry out the pilot program under subsection (a).

(2) EFFECT ON EXISTING POLICIES.—Nothing in this section shall be construed to circumvent, minimize, or otherwise negate existing safe storage policies, laws, or regulations on military installations.

(g) REPORT.—Upon the termination under subsection (f) of the pilot program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The number and type of locking devices and firearm safes furnished to members of the Armed Forces under the pilot program.

(2) The cost of carrying out the pilot program.

(3) An analysis of the effect of the pilot program on suicide prevention.

(4) Such other information as the Secretary may determine appropriate, which shall include information about participants in the pilot program.

(h) TERMINATION.—The pilot program under subsection (a) shall terminate on the date that is six years after the date of the enactment of this Act.

SEC. 1076. SENSE OF THE SENATE ON REDESIGNATION OF THE AFRICA CENTER FOR STRATEGIC STUDIES.

It is the sense of the Senate that—

(1) Senator James M. Inhofe—

(A) has, since 2018, more than three decades of service in the United States Congress;

(B) demonstrated a profound commitment to strengthening United States-Africa relations; and

(C) been one of the foremost leaders in Congress on matters related to United States-Africa Security Initiative;

(2) the Africa Center for Strategic Studies should be renamed the James M. Inhofe Center for Africa Strategic Studies.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. ELIGIBILITY OF DEPARTMENT OF DEFENSE EMPLOYEES IN TIME-LIMITED APPOINTMENTS TO COMPETE FOR PERMANENT APPOINTMENTS.

Section 3385 of title 5, United States Code, is amended by adding at the end the following:

"(g) ELIGIBILITY OF DEPARTMENT OF DEFENSE EMPLOYEES IN TIME-LIMITED APPOINTMENTS TO COMPETE FOR PERMANENT APPOINTMENTS.—"

"(1) DEFINITIONS.—In this subsection—

(A) the term 'Department' means the Department of Defense; and

(B) the term 'time-limited appointment' means a temporary or term appointment in the competitive service.

"(2) ELIGIBILITY.—Notwithstanding any other provision of this chapter or any other provision of law relating to the examination, certification, or appointment of individuals in the competitive service, an employee of the Department serving under a time-limited appointment is eligible to compete for a permanent appointment in the competitive service when the Department is accepting applications from individuals within its own workforce, or from individuals outside its own workforce, under merit promotion procedures, if—

(A) the employee was appointed initially under open, competitive examination under subchapter I of chapter 51 of title 5, United States Code, and has completed the service requirements for career tenure; and

(B) the employee has served under 1 or more time-limited appointments within the Department, totaling more than 2 years without a break of 2 or more years; and

(C) the employee's performance has been at an acceptable level of performance throughout the period or periods referred to in subparagraph (B).

"(3) ESTABLISHMENT.—An individual appointed to a permanent position under this section—

(A) becomes a career-conditional employee; and

(B) shall have completed the service requirements for career tenure; and

(C) becomes a career-conditional employee.

"(4) FORMER EMPLOYEES.—If the Department is accepting applications as described in paragraph (2), a former employee of the Department who served under a time-limited appointment and who otherwise meets the requirements of this section shall be eligible to compete for a permanent position in the competitive service under this section if—

(A) the employee applies for a position covered by this section not later than 2 years after the most recent date of separation; and

(B) the employee meets the requirements of this section.

"(5) REGULATIONS.—The Office of Personnel Management shall prescribe regulations necessary for the administration of this section."

SEC. 1102. EMPLOYMENT AUTHORITY FOR CIVILIAN FACULTY AT CERTAIN MILITARY DEPARTMENT SCHOOLS.

(a) ADDITION OF ARMY UNIVERSITY AND ADDITIONAL FACULTY.—

(1) IN GENERAL.—Section 7371 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "the Army War College, the United States Army Command and General Staff College", and inserting "the Army War College, the United States Army Command and General Staff College, and the Army University"; and

(B) in subsection (c).

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 7371. Army War College, United States Army Command and General Staff College, and Army University: civilian faculty members."

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 7371 and inserting the following new item:

"7371. Army War College, United States Army Command and General Staff College, and Army University: civilian faculty members."
in the matter preceding paragraph (1), by striking “institutions” and inserting “organizations”.

SEC. 1104. MODIFICATION TO PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING. Section 4092 of title 10, United States Code, is amended—

(1) in subsection (a)(8), in the second sentence, by striking “December 31, 2025” and inserting “December 31, 2030”;

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking “10 positions” and inserting “15 positions”;

(ii) by striking “3 such positions” and inserting “5 such positions”; and

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i), by striking “paragraph (1)(B)” and inserting “subparagraphs (B) and (H) of paragraph (1)(B)”;

(ii) in clause (i)—

(I) by striking “to any of” and inserting “to any of the”;

(II) by inserting “and any of the 5 positions designated by—” after “Science and Technology”;

(iii) in clause (i), by striking “the Director” and inserting “the Director or the Director of the Space Development Agency”;

(3) in subsection (c)(2), by inserting “the Space Development Agency,” after “Intelligence Center,”;

SEC. 1105. ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES. (a) IN GENERAL.—Chapter 303 of title 10, United States Code, is amended by inserting after section 4093 the following new section—

“§ 4094. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories

“(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (b) to fix the rate of basic pay for positions described in subsection (b)(2) in laboratories of the Department of Defense in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and managing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

“(b) APPROVAL REQUIRED.—The program may be carried out in a military department only with the approval of the service acquisition executive of the military department concerned.

“(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

“(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

“(2) are critical to the successful accomplishment of an important research or technology development mission.

“(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

“(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

“(e) LIMITATIONS.

“(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in paragraph (1).

“(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time, unless the Under Secretary of Defense for Research and Engineering, in concurrence with the Secretaries of the military departments concerned, authorizes the number of positions from one military department to another.

“(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

“(f) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ‘science and technology reinvention laboratories of the Department of Defense’ means the laboratories designated as science and technology reinvention laboratories by section 112(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2019 (Public Law 116–91; 122 Stat. 4616) as most recently amended by section 1104 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–283; 134 Stat. 1472); and

“(g) LIMITATION ON PAY.—The pay authority described in subsection (a) may be used only to the extent it is necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in paragraph (1), with the approval of the Secretary of the military department concerned.

“(h) LIMITATION ON PAY FOR EDUCATION.—The pay authority described in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in paragraph (1) of this subsection.

“(i) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in paragraph (1).

“(j) LIMITATION ON PAY FOR EDUCATION.—The pay authority described in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in paragraph (1).”

SEC. 1106. MODIFICATION AND EXTENSION OF PILOT PROGRAM ON DYNAMIC SHAPING OF THE WORKFORCE TO IMPROVE TECHNICAL SKILLS AND EXPERTISE AT CERTAIN DEPARTMENT OF DEFENSE LABORATORIES. (a) REPEAL OF OBSOLETE PROVISION.—Section 1106(h)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking subparagraph (D).

(b) EXTENSION OF AUTHORITY.—Section 1106(d)(1) of such Act is amended by striking “December 31, 2023” and inserting “December 31, 2027.”

SEC. 1107. MODIFICATION OF EFFECTIVE DATE OF ONE-YEAR PROLATION PERIOD FOR EMPLOYEES. Section 1106 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–18; 136 Stat. 1383) is amended—

(1) in subsection (a)(1), by striking “December 31, 2022” and inserting “December 31, 2024”; and

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

“(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on December 31, 2024.”


SEC. 1109. 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 1053(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–244; 120 Stat. 453), as added by section 1114 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 116–47; 122 Stat. 4616) is amended by striking “2022” and inserting “2023”.

SEC. 1110. MODIFICATION OF TEMPORARY EXPANSION OF AUTHORITY FOR NONCOMPETITIVE APPOINTMENTS OF WIDOWS AND SPOUSES BY FEDERAL AGENCIES. (a) EXTENSION OF SUNSET.—Subsection (e) of section 537 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 116–232; 5 U.S.C. 3330d note) is amended, in the matter preceding paragraph (1), by striking “through December 31, 2023” and inserting “through December 31, 2028”.

(b) RECTIFICATION OF FEDERAL LAW AND REPORTS.—Subsection (d) of such section is repealed.

SEC. 1111. DEPARTMENT OF DEFENSE CYBER AND DIGITAL SERVICE ACADEMY. (a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Director of the Office of Personnel and Management, shall establish a program to provide financial support for pursuit of programs of education at institutions of high education in covered disciplines.

(2) COVERED DISCIPLINES.—For purposes of the Program, a covered discipline is a discipline that the Secretary of Defense determines is critically needed and is cyber- or digital technology-related, including the following:

(A) Computer-related arts and sciences.

(B) Cyber-related engineering.

(C) Cyber-related law and policy.

(D) Applied analytics related sciences, data management, and cybersecurity, including artificial intelligence and machine learning.

(E) Such other disciplines relating to cybersecurity, digital technology, or supporting functions as the Secretary of Defense considers appropriate.

(3) DESIGNATION.—The program established under paragraph (1) shall be known as the “Department of Defense Cyber and Digital Service Academy” (in this section the “Program”).

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The Program shall—

(1) provide scholarships through institutions of higher education to students who are enrolled in programs of education at such institutions leading to degrees or special- ized program certifications in covered disciplines; and

(2) prioritize the placement of scholarship recipients fulfilling the post-award employment obligation under this section.

(c) SCHOLARSHIP AMOUNT.—(A) Each scholarship under the Program shall be in such amount as the Secretary determines necessary

(1) to pay all educational expenses incurred by that person, including tuition, fees, cost of books, and laboratory expenses, for the period of the program of education for which the assistance is provided under the Program; and

(2) to pay all educational expenses incurred by that person, including tuition, fees, cost of books, and laboratory expenses, for the period of the program of education for which the assistance is provided under the Program; and

(3) to pay all educational expenses incurred by that person, including tuition, fees, cost of books, and laboratory expenses, for the period of the program of education for which the assistance is provided under the Program; and

(4) to pay all educational expenses incurred by that person, including tuition, fees, cost of books, and laboratory expenses, for the period of the program of education for which the assistance is provided under the Program; and

(5) to pay all educational expenses incurred by that person, including tuition, fees, cost of books, and laboratory expenses, for the period of the program of education for which the assistance is provided under the Program; and
(i) to provide a stipend for room and board; (B) The Secretary shall ensure that expenses paid are limited to those educational expenses incurred by students in the institution of higher education involved.

(2) Support for Internship Activities.—The financial assistance for a person under this section may be provided to support internship activities of the person in the Department of Defense and combat support agencies in periods between the academic years of the person's degree or advanced program certification for which assistance is provided the person under the Program.

(3) Period of Support.—Each scholarship under the Program shall be for not more than 5 years.

(4) Additional Stipend.—Students demonstrating financial need, as determined by the Secretary, may be provided with an additional stipend under the Program.

(d) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the Program, shall enter into an agreement under which the recipient agrees to work for a period equal to the length of the scholarship, following receipt of the student's degree or advanced program certification, in the cyber- and digital technology-related field of support under section (g); and (F) fail to fulfill any of the post-award or post-award obligations or requirements of the individual; or (F) fails to fulfill the requirements of paragraph (1).

(e) Hiring Authority.—In carrying out this section, specifically with respect to enforcing the obligations and conditions of employment under subsection (d), the Secretary may use any authority otherwise available to the Secretary for the recruitment, employment, and advancement of civilian personnel within the Department, including authority under section 1599f of title 10, United States Code.

(f) Eligibility.—To be eligible to receive a scholarship under the Program, an individual—

(1) is a citizen or lawful permanent resident of the United States; (2) demonstrate a commitment to a career in improving the security of information technology or advancing the development and adoption of digital technology; (3) have demonstrated a high level of competency in relevant knowledge, skills, and abilities, as defined by the national cybersecurity education program under section 303 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7443); (4) be a full-time student, or have been accepted as a full-time student, in a program leading to a degree or specialized program certification in a covered discipline at an institution of higher education; (5) enter into an agreement accepting and acknowledging the post award employment obligations, pursuant to section (d); (6) acknowledge the conditions of support under section (g); and (7) meet such other requirements for a scholarship as determined appropriate by the Secretary.

(g) Conditions of Support.—

(1) In General.—As a condition of receiving a scholarship under this section, a recipient shall agree to provide the Office of Personnel Management (in coordination with the Department of Defense) and the institutions of higher education described in subsection (d) with annual verifiable documentation of post-award employment and up-to-date contact information.

(2) Terms.—A scholarship recipient under the Program shall be liable to the United States as provided in subsection (i) if the individual—

(A) fails to maintain an acceptable level of academic standing at the applicable institution of higher education, as determined by the Secretary; (B) is dismissed from the applicable institution of higher education for disciplinary reasons; (C) withdraws from the eligible degree program before completing the Program; (D) declares that the individual does not intend to fulfill the post-award employment obligation under this section; (E) fails to fulfill any of the post-award or post-award obligations or requirements of the individual; or (F) fails to fulfill the requirements of paragraph (1).

(h) Monitoring Compliance.—As a condition of participating in the Program, an institution of higher education shall—

(1) enter into an agreement with the Secretary to monitor the compliance of scholarship recipients with respect to their post-award employment obligations; and (2) provide to the Secretary and the Director of the Office of Personnel Management, on an annual basis, the post-award employment obligations of scholarship recipients under the Program.

(i) Amount of Employment Obligation.—(1) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in subparagraph (g)(2) occurs before the completion of 1 year of a post-award employment obligation under the Program, the total amount of scholarship awards received by the individual under the Program shall be considered a debt to the Government and repayment shall be made to the Secretary.

(2) 1 OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of section (g)(2) occurs after the completion of 1 year of a post-award employment obligation under the Program, the total amount of scholarship awards received by the individual under the Program, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be considered a debt to the Government and repaid in accordance with subsection (j).

(j) Repayments.—A debt described in section (i) shall be subject to repayment, to the extent practicable, with the first scholarships awarded under the Program for the academic year beginning no later than the Fall semester of 2023.

(1) A modernized description of careers in higher education and job opportunities relating to covered disciplines; (B) the disparity in any reporting between scholarship recipients and their respective institutions of higher education; and (C) any recent statistics regarding the size, composition, and educational requirements of the relevant Department of Defense workforce.

(k) Resources.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall provide consolidated and user-friendly online resources for prospective scholarship recipients, including, to the extent practicable—

(1) searchable, up-to-date, and accurate information about participating institutions of higher education and job opportunities relating to covered disciplines; (A) placement rates; (B) the disparity in any reporting between scholarship recipients and their respective institutions of higher education; and (C) an institution described in paragraph (1).

(m) Appropriations.—In order to help identify workforce needs and trends relevant to the Program, the Secretary may establish a board of directors for the Program that shall—

(1) A modernized description of careers in higher education and job opportunities relating to covered disciplines; (B) a modernized description of careers in covered disciplines.

(l) Public Information.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall periodically evaluate and make public, in a manner that protects the personally identifiable information of scholarship recipients, information on the success of recruiting individuals for scholarships under the Program and on hiring and retaining those individuals in the Department of Defense workforce, including information on—

(1) Appropriate Congressional Committees.—The term ‘appropriate congressional committees’ means—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;
(b) the Committee on Armed Services of the Senate;
(C) the Committee on Homeland Security of the House of Representatives; and
(D) the Committee on Armed Services of the House of Representatives.

(2) COMPETITIVE SERVICE.—The term ‘‘competitive service’’ has the meaning given to the term in section 2102 of title 5, United States Code.

(3) EXCEPTED SERVICE.—The term ‘‘excepted service’’ has the meaning given to the term in section 2102 of title 5, United States Code.

(4) SIGNIFICANT INCIDENT.—The term ‘‘significant incident’’ means—
(A) an incident or a group of related incidents that results, or is likely to result, in demonstrable harm—
(i) to the national security interests, foreign relations, or economy of the United States; or
(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and
(B) does not include an incident or a portion of a group of related incidents that occurs—
(i) on a national security system, as defined in section 3552 of title 44, United States Code; or
(ii) an information system described in paragraph (2) or (3) of section 3552(e) of title 44, United States Code.

(5) TEMPORARY POSITION.—The term ‘‘temporary position’’ means a position in the competitive or excepted service for a period of 180 days or less.

(6) UNIFORMED SERVICES.—The term ‘‘uniformed services’’ has the meaning given to the term in section 2101 of title 5, United States Code.

(7) PILOT PROJECT.—

(a) IN GENERAL.—The Secretary of the Army shall carry out a pilot project to establish a Civilian Cybersecurity Reserve.

(b) PURPOSE.—The purpose of the Civilian Cybersecurity Reserve is to enable the Army to provide manpower to the cyberspace operations force of the United States Army Command to effectively respond to significant incidents.

(c) ELIGIBILITY; APPLICATION AND SELECTION.—

(1) IN GENERAL.—Under the pilot project required under subsection (b)(1), the Secretary of the Army shall establish criteria for—
(A) individuals to be eligible for the Civilian Cybersecurity Reserve; and
(B) the application and selection processes for the Civilian Cybersecurity Reserve.

(2) REQUIREMENTS FOR INDIVIDUALS.—The criteria established under paragraph (1)(A) with respect to an individual shall include—
(A) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and
(B) cybersecurity expertise.

(3) PRISELECTION.—The Secretary shall—

(A) conduct a prescreening of each individual prior to appointment under subsection (b)(4) for any topic or product that would create a conflict of interest; and
(B) require each individual appointed under subsection (b)(4) to notify the Secretary if a potential conflict of interest arises during the appointment.

(4) AGREEMENT REQUIRED.—An individual—

(A) may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Secretary to become such a member, which shall set forth the rights and obligations of the individual and the Army;

(5) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(6) PROHIBITION.—Any individual who is an employee of the executive branch may not be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

(d) SECURITY CLEARANCES.—

(1) IN GENERAL.—The Secretary of the Army shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.

(2) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the member, the Army shall be responsible for the cost of sponsoring the security clearance of the member.

(e) STUDY AND IMPLEMENTATION PLAN.—

(1) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall begin a study on the design and implementation of the pilot project required under subsection (b)(1), including—
(A) compensation and benefits for members of the Civilian Cybersecurity Reserve; and
(B) activities that required members may undertake as part of their duties;
(C) methods for identifying and recruiting members, including alternatives to traditional qualifications requirements; and
(D) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;
(E) resources, including additional funding, needed to carry out the pilot project;
(F) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and
(G) processes and requirements for training and onboarding members.

(f) PROJECT GUIDANCE.—Not later than one year after beginning the study required under paragraph (1), the Secretary shall—

(A) submit to the appropriate congressional committees an implementation plan for the pilot project required under subsection (b)(1); and
(B) provide to the appropriate congressional committees a briefing on the implementation plan.

(2) PROHIBITION.—The Secretary may not take any action to begin implementation of the project required under subsection (b)(1) until the Secretary fulfills the requirements under paragraph (2).

(g) BRIEFINGS AND REPORT.—

(1) BRIEFINGS.—Not later than one year after the date of the enactment of this Act, and every year thereafter until the date on which the pilot project required under subsection (b)(1) terminates under subsection (i), the Secretary of the Army shall provide—
(A) an appropriate congressional committee with a briefing on activities carried out under the pilot project, including—
(i) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;
(ii) an evaluation of the ethical requirements of the pilot project;

(B) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the Army during significant incidents; and

(D) an evaluation of the eligibility requirements for the pilot project.

(2) NOT EARLY.—Not early than 180 days and not later than 90 days before the date on which the pilot project required under subsection (b)(1) terminates under subsection (i), the Secretary of the Army shall provide—
(A) appropriate congressional committees with a briefing on activities carried out under the pilot project, including—
(i) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;
(ii) an evaluation of the ethical requirements of the pilot project;
efforts to address any conflict of interest concerns; and

(D) an evaluation of the eligibility requirements for the pilot project.

(2) Evaluation—(i) Not later than three years after the pilot project required under subsection (b)(1) is established, the Comptroller General of the United States shall—

(A) conduct a study evaluating the pilot project; and

(B) submit to Congress—

(A) a report on the results of the study; and

(B) a recommendation with respect to whether the pilot project should be modified.

(3) Authorization of Funds—

(1) (I) In General.—No additional funds are authorized to be appropriated for the purpose of carrying out this section.

(2) Existing Authorized Amounts.—Funds to carry out this section may, as provided in advance in appropriations Acts, only come from amounts authorized to be appropriated to the Army.

SEC. 1113. MODIFICATION TO PILOT PROGRAM FOR THE TEMPORARY ASSIGNMENT OF INFORMATION TECHNOLOGY PERSONNEL TO PRIVATE SECTOR ORGANIZATIONS.

Section 1119(d) of the National Defense Authorizations Act for Fiscal Year 2010 (12 U.S.C. 3702 note; Public Law 111–84) is amended by striking “September 30, 2022” and inserting “December 31, 2025”.

SEC. 1114. REPORT ON CYBER EXCEPTED SERVICE.

(a) Report Required.—Not later than one year after the date of enactment of this Act and not less frequently than once each year thereafter until September 30, 2026, 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 detailed report on cyber excepted service positions during the most recent one-year period.

(b) Contents.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) A description of the process used in accepting applications, assessing candidates, process for and effect of adhering to provisions of law establishing preferences for hiring preference eligible veterans, and selecting applicants for vacancies to be filled by an individual for a cyber excepted service position.

(2) A description of the following:

(A) How the Secretary plans to recruit and retain employees in cyber excepted service positions.

(B) Cyber excepted service performance metrics.

(C) Any actions taken during the reporting period to improve cyber excepted service implementation.

(3) A discussion of the planning and actions taken described in paragraph (2) are integrated into the strategic workforce planning of the Department.

(4) The metrics on actions occurring during the reporting period, including the following:

(A) The number of employees in cyber excepted service positions hired, disaggregated by occupation, grade, and level or pay band.

(B) The placement of employees in cyber excepted service positions, disaggregated by military department, Defense agency, or other component within the Department.

(C) The number of veterans hired.

(D) The number of separations of employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

(E) The number of retirements of employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

(F) The number and amounts of recruitment, relocation, and retention incentives paid to employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

(G) The number of employees who declined transition to qualified cyber excepted service positions.

(H) An assessment of the training provided to supervisors of employees in cyber excepted service positions at the Department on the use of the new authorities.

(I) An assessment of the implementation of section 1599f(a)(1)(A) of title 10, United States Code, including—

(A) how each military department, Defense agency, or other component within the Department is incorporating or intends to incorporate cyber excepted service personnel in their cyber mission workforce; and

(B) how the cyber excepted service has allowed each military department, Defense agency, or other component within the Department to establish, recruit for, and retain personnel to fill cyber mission workforce needs.

(J) An assessment of the barriers to participating in cyber excepted service positions, including challenges to transition between general and excepted service, differences between compensation, incentives, and benefits, access to career broadening experiences, or any other barriers as determined by the Secretary.

(K) Proposed modifications to the cyber excepted service.

(L) Such other matters as the Secretary considers appropriate.

(c) Definitions.—In this section:

(1) The term ‘‘cyber excepted service’’ consists of those positions established under section 1599f(a)(1)(A) of title 10, United States Code.

(2) The term ‘‘cyber excepted service position’’ means a position in the cyber excepted service.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

Subsection (b) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amended by striking “December 31, 2023” and inserting “December 31, 2025”.

SEC. 1202. MODIFICATION OF REPORTING REQUIREMENT FOR PROVISION OF SUPPORT TO FRIENDLY FOREIGN COUNTRIES FOR CONDUCT OF OPERATIONS.

Section 331(d)(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):

“(E) A description of the one or more entities with which the applicable friendly foreign country is currently engaged in hostilities and whether each such entity is covered by an authorization for the use of military force.”.

SEC. 1203. PAYMENT OF PERSONNEL EXPENSES NECESSARY FOR PARTICIPATION IN TRAINING PROGRAM CONDUCTED BY COLOMBIA UNDER THE UNITED STATES-COLOMBIA ACTION PLAN FOR REGIONAL SECURITY.

(a) In General.—Subsection IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section 335:

“(335. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.

(1) Authority.—The Secretary of Defense may pay the expendable training supplies, travel, subsistence, and similar personnel expenses of, and special compensation for, the following that the Secretary considers necessary for participation in the training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security:

“(A) Defense personnel of friendly foreign governments.

“(B) With the concurrence of the Secretary of State, other personnel of friendly foreign governments, and nongovernmental personnel.

“(C) For the temporary assignment of technology personnel to private sector organizations.

“(D) The number of separations of employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

“(E) The number of retirements of employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

“(F) The number and amounts of recruitment, relocation, and retention incentives paid to employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

“(G) The number of employees who declined transition to qualified cyber excepted service positions.

“(H) An assessment of the training provided to supervisors of employees in cyber excepted service positions at the Department on the use of the new authorities.

“(I) An assessment of the implementation of section 1599f(a)(1)(A) of title 10, United States Code, including—

“(A) how each military department, Defense agency, or other component within the Department is incorporating or intends to incorporate cyber excepted service personnel in their cyber mission workforce; and

“(B) how the cyber excepted service has allowed each military department, Defense agency, or other component within the Department to establish, recruit for, and retain personnel to fill cyber mission workforce needs.

“(J) An assessment of the barriers to participating in cyber excepted service positions, including challenges to transition between general and excepted service, differences between compensation, incentives, and benefits, access to career broadening experiences, or any other barriers as determined by the Secretary.

“(K) Proposed modifications to the cyber excepted service.

“(L) Such other matters as the Secretary considers appropriate.

“(c) Definitions.—In this section:

“(1) The term ‘‘cyber excepted service’’ consists of those positions established under section 1599f(a)(1)(A) of title 10, United States Code.

“(2) The term ‘‘cyber excepted service position’’ means a position in the cyber excepted service.

“(b) Annual Report.—Paragraph (1) of section 335(e) of title 10, United States Code, is amended to read as follows:

“(1) Sections 311, 321, 331, 332, 333, 335, 341, 344, 346, 349, and 350 of this title.

“(c) 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 paragraph:

“335. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.”

SEC. 1204. MODIFICATION OF AUTHORITY FOR PARTICIPATION IN MULTINATIONAL CENTERS OF EXCELLENCE.

Section 344(f) of title 10, United States Code, is amended—

(1) in paragraph (1)(D), by striking ‘‘and’’ at the end; and

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

“(3) The International Special Training Centre, established in 1979 and located in Pfalldorf, Germany.”

SEC. 1205. MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM AND IRREGULAR WARFARE FELLOWSHIP PROGRAM AND PLAY FOR IRREGULAR WARFARE CENTER.

(a) Modification of Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program and Play for Irregular Warfare Center.

(1) In General.—Section 345 of title 10, United States Code, is amended—
(A) in the section heading, by striking “Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program” and inserting “Irregular Warfare Education”; and

(b) in subsection (b) of section 3132, in the matter preceding subsection (A), by striking “the Secretary of Defense with respect to” and inserting “the Secretary of Defense and the applicable department of State and the Committee on Armed Services and the Committee on Foreign Relations of the Senate shall submit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on’’;

(c) the Secretary of Defense may employ a Director, a Deputy Director, and such civilian and military personnel as the Secretary considers necessary: Provided, That the Director, Deputy Director, and such civilian and military personnel are provided under the authority of section 1210 of this title, and that no such personnel shall be provided in a Government-owned, contractor-operated facility established as a Government-owned, contractor-operated facility under section 2679; and

(2) ELEMENTS.—The plan required by paragraph (1) shall include—

(A) a timeline and milestones for the establishment of the Irregular Warfare Center; and

(B) steps to enter into partnerships and resource agreements with academic institutions, including any agreements of the Department of Defense or other academic institutions, including any agreement for hosting or operating the Irregular Warfare Center.

(3) PREFERENCES.—The plan required by paragraph (1) shall—

(A) give preference to proposals from institutions of higher education in the United States; and

(B) give preference to proposals for the establishment of a partnership that includes at least one institution of higher education.

SEC. 1206. MODIFICATION OF AUTHORITY FOR HUMANITARIAN DEMINING ASSISTANCE AND STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.

(a) In section 407 of title 10, United States Code, as amended by section 1210 of this title, (2) in subsection (a)(1) of such section, the following new subparagraph is added at the end:

“(A) Travel, transportation, and subsistence expenses of foreign personnel to attend training provided by the Department of Defense under this section.”;

(b) in paragraph (3), by striking “$15,000,000” and inserting “$20,000,000”; and

(c) in paragraph (5), by striking “$20,000,000” and inserting “$25,000,000.”
SEC. 1207. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR EXPENSES INCURRED PROVIDING RESCUE AND MITIGATION, AND PREPAREDNESS.

(a) Extension.—Subsection (a) of section 1213 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended by striking “beginning on October 1, 2022,” and inserting “beginning on October 1, 2022, and ending on December 31, 2023,”.

(b) Modification to Limitation.—Subsection (d)(1) of such section is amended—

(1) by striking “beginning on October 1, 2021, and ending on December 31, 2022,” and inserting “beginning on October 1, 2022, and ending on December 31, 2023,”;

(2) in paragraph (1)—

(A) by striking “in which” and inserting “to which”; and

(B) by striking “carried out and inserting “provided”;

(3) in paragraph (2), by striking “carried out in” and inserting “provided to”;

(4) in paragraph (3)—

(A) by striking “in which” and inserting “to which”; and

(B) by striking “carried out and inserting “provided”; and

(5) in paragraph (4), by striking “in carrying out such assistance in each such country” and inserting “in providing such assistance to each such country”.

SEC. 1208. MODIFICATIONS TO HUMANITARIAN ASSISTANCE.

(a) Extension.—Subsection (a) of section 1213 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 111–84; 123 Stat. 393) is amended by striking “beginning on October 1, 2009, and ending on December 31, 2010” and inserting “beginning on October 1, 2010, and ending on December 31, 2011”.

(b) Modification to Limitation.—Subsection (d)(1) of such section is amended—

(1) by striking “beginning on October 1, 2011, and ending on December 31, 2012,” and inserting “beginning on October 1, 2012, and ending on December 31, 2013,”;

(2) in paragraph (1)—

(A) by striking “in which” and inserting “to which”; and

(B) by striking “carried out and inserting “provided”;

(3) in paragraph (2), by striking “carried out in” and inserting “provided to”;

(4) in paragraph (3)—

(A) by striking “in which” and inserting “to which”; and

(B) by striking “carried out and inserting “provided”; and

(5) in paragraph (4), by striking “in carrying out such assistance in each such country” and inserting “in providing such assistance to each such country”.

SEC. 1209. DEFENSE ENVIRONMENTAL INTERNATIONAL COOPERATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in coordination with the commanders of the geographic combatant commands, shall establish a program, to be known as the “Defense Environmental International Cooperation Program”, to support engagement with partner countries on defense-related environmental and operational energy issues and contribute toward capacity building efforts of the geographic combatant commands.

(b) OBJECTIVES.—The Defense Environmental International Cooperation Program shall be carried out to achieve the following objectives:

(1) To build military-to-military relationships in support of the Department of Defense’s efforts to engage in long-term strategic competition.

(2) To enhance the capability and forward posture of the United States Armed Forces.

(3) To enhance the capability, capacity, and resilience of the military forces of partner countries.

(c) FUNDING.—Of amounts authorized to be appropriated for a fiscal year for the Department of Defense, the Secretary may make available $10,000,000 for purposes of supporting the Defense Environmental International Cooperation Program, consistent with the priorities of the commanders of the geographic combatant commands.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary shall submit to the congressional defense committees a report on obligations and expenditures made to carry out the Defense Environmental International Cooperation Program during the preceding fiscal year.

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

(A) An accounting of each obligation and expenditure made to carry out the Defense Environmental International Cooperation Program, by partner country and military force.

(B) An explanation of the manner in which each such obligation or expenditure supports the objectives described in subsection (b).

(C) Any other matter the Secretary considers relevant.

SEC. 1210. SECURITY COOPERATION PROGRAMS WITH FOREIGN PARTNERS TO ADVANCE WOMEN, PEACE, AND SECURITY.

(a) In General.—The Secretary of Defense, in consultation with the Secretary of State, may, in fiscal years 2023 through 2025, conduct security cooperation programs and activities involving the national military or national-level security forces of a foreign country or other covered personnel to advise, train, and educate such forces or such other covered personnel with respect to—

(1) the recruitment, employment, development, retention, promotion, and meaningful participation in decisionmaking of women;

(2) sexual harassment, sexual assault, domestic abuse, and other forms of violence that disproportionately impact women; and

(3) the requirements of women, including providing appropriate equipment and facilities; and

(4) the implementation of activities described in this subsection, including the integration of such activities into security-secor policy, planning, exercises, and trainings, as appropriate.

(b) Annual Report.—Not later than 90 days after the end of each of fiscal years 2023, 2024, and 2025, the Secretary of Defense shall submit to the congressional defense committees a report detailing the assistance provided under this section and the recipients of security cooperation programs and activities.

(c) Other Covered Personnel Defined.—In this section, the term “other covered personnel” means personnel of—

(1) the ministry of defense, or a government entity with a similar function, of a foreign country; or

(2) a regional organization with a security mission.

SEC. 1211. REVIEW OF IMPLEMENTATION OF PROHIBITION ON USE OF FUNDS FOR ASSISTANCE TO UNITS OF FOREIGN SECURITY FORCES THAT HAVE COMMITTED A GROSS VIOLATION OF HUMAN RIGHTS.

(a) Sense of Congress.—It is the sense of Congress that the promotion of human rights is a critical element of Department of Defense security cooperation programs and activities that advance United States national security interests and values.

(b) Review.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the commanders of the geographic combatant commands, shall initiate a review of security cooperation activities, and make recommendations to the Secretary of Defense concerning the implementation of this section.
SEC. 1212. INDEPENDENT ASSESSMENT OF UNITED STATES EFFORTS TO TRAIN, ADVISE, ASSIST, AND EQUIP THE MILITARY FORCES OF SOMALIA.

(a) IN GENERAL.—The Secretary of Defense shall provide for an independent assessment of Department of Defense efforts to train, advise, assist, and equip the military forces of Somalia.

(b) CONDUCT OF ASSESSMENT.—To conduct the assessment required by subsection (a), the Secretary shall select:

(1) a federally funded research and development center; or

(2) 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 expertise in the areas of national security and military affairs appropriate for the assessment.

(c) ELEMENTS.—The assessment required by subsection (a) shall include an assessment of the following:

(1) The evolution of United States approaches to training, advising, assisting, and equipping the military forces of Somalia.

(2) The extent to which—

(A) the Department has an established plan, with objectives and milestones, for the effort to train, advise, assist, and equip such forces;

(B) advisory efforts are meeting objectives, including whether and the manner in which—

(i) advisors track the operational effectiveness of such forces; and

(ii) any such data informs future training and advisory efforts;

(C) the Department sufficiently engages, collaborates, and deconflicts with—

(i) other Federal departments and agencies that conduct assistance and advisory engagements with such forces; and

(ii) international and multilateral entities that conduct assistance and advisory engagements with such forces; and

(D) the Department has established and enforced a policy, processes, and procedures for accountability relating to equipment provided by the United States.

(3) Factors that have hindered, or may in the future hinder, the development of professional, sustainable, and capable such forces.

(4) Whether, due to the effort to train, advise, assist, and equip such forces, the extent to which the December 2020 decision to reduce and reposition outside Somalia the majority of the members of the United States Armed Forces assigned to carry out the effort has impacted the effectiveness of the effort.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the remediation process under section 362 of title 10, United States Code.

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE MILITARY FORCES OF SOMALIA.

(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; 128 Stat. 3541) is amended, in the matter preceding paragraph (1), by striking “fiscal year 2022” and inserting “fiscal year 2023”.

(b) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (1)(3)(D) of such section is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

SEC. 1223. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETO SYRIAN GROUPS AND INDIVIDUALS.

(a) EXTENSION.—Subsection (a) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended, in the matter preceding paragraph (1), by striking “fiscal year 2022” and inserting “fiscal year 2023”.

(b) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (1)(3)(D) of such section is amended by striking “fiscal year 2022” and inserting “fiscal year 2023”.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND MAINTAIN 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, in the matter preceding paragraph (1), by striking “$25,000,000” and inserting “$30,000,000”.

(b) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (1)(3)(D) of such section is amended by striking “fiscal year 2022” and inserting “fiscal year 2023”.

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE MILITARY FORCES OF SOMALIA.

(a) IN GENERAL.—Subsection (a) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541) is amended, in the matter preceding paragraph (1), by striking “fiscal year 2022” and inserting “fiscal year 2023”.

(b) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (1)(3)(D) of such section is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE MILITARY FORCES OF SOMALIA.

(a) IN GENERAL.—Subsection (a) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541) is amended, in the matter preceding paragraph (1), by striking “fiscal year 2022” and inserting “fiscal year 2023”.

(b) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (1)(3)(D) of such section is amended by striking “fiscal year 2022” and inserting “fiscal year 2023”.
such section is amended by striking ‘‘December 31, 2022’’ and inserting ‘‘December 31, 2023’’.

SEC. 1224. ASSESSMENT OF SUPPORT TO IRAQI SECURITY FORCES AND KURDISH PESHMERGA FORCES TO COUNTER AIR AND MISSILE THREATS.

(a) IN GENERAL.—Not later than April 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on support to Iraqi Security Forces and Kurdish Peshmerga Forces to counter air and missile threats.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) An assessment of the threat from missiles, rockets, and unmanned aerial systems (UAS) to United States and coalition armed forces located in Iraq, including the Iraqi Kurdistan Region.

(2) An assessment of the current state of air defense capabilities of United States and coalition armed forces located in Iraq, including the Iraqi Kurdistan Region.

(3) Identification of perceived gaps in air defense capabilities of United States and coalition armed forces and the implications for the security of such forces in Iraq, including the Iraqi Kurdistan Region.

(4) Recommendations for training or equipment needed to overcome the assessed air defense deficiencies of United States and coalition armed forces in Iraq, including the Iraqi Kurdistan Region.

(5) An assessment of the current state of the air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(6) An assessment of the perceived gaps in air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(7) An assessment of recommended training and equipment and available level of equipment to maximize air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(b) Such other matters as the Secretary considers appropriate.

SEC. 1225. UPDATES TO ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) IN GENERAL.—Section 1246(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended—

(1) in subparagraph (B), by striking ‘‘and the Special Groups in Iraq,’’ and inserting ‘‘Houthis, and the Special Groups in Iraq, including Kata’ib Hezbollah and Asa’ib Ahl al-Haq,’’;

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(3) by inserting after subparagraph (B) the following:

‘‘(C) the threat from Special Groups in Iraq, including Kata’ib Hezbollah and Asa’ib Ahl al-Haq, to United States and coalition forces located in Iraq and Syria;’’; and

(4) in subparagraph (D), as redesignated, by striking ‘‘and’’ at the end and inserting ‘‘; and’’; and

(b) UNITED STATES INVENTORY AND OTHER SOURCES.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

‘‘(3) ACCEPTANCE OF RETURNED EQUIPMENT.—

‘‘(A) IN GENERAL.—The Secretary of Defense may accept equipment procured under the authority of this section that was transferred to the military or national security forces of any country, including U.S. forces or other armed entities and has been returned by such forces to the United States.

‘‘(B) TREATMENT AS STOCKS OF THE DEPARTMENT OF DEFENSE.—Any equipment transferred to the military or national security forces of any country, including U.S. forces or other armed entities and has been returned by such forces to the United States.

Subtitle C—Matters Relating to Europe and the Russian Federation

SEC. 1231. MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking ‘‘fiscal year 2017, 2018, 2019, 2020, 2021, or 2022’’ and inserting ‘‘for any fiscal year’’; and

(B) by striking ‘‘in the fiscal year concerned’’; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ‘‘with respect to funds for a fiscal year’’.

SEC. 1232. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1974) is amended by striking ‘‘None of the funds’’ and all that follow through ‘‘the fiscal year 2022 or 2023’’.

SEC. 1233. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE U.S. SECURITY ASSISTANCE INITIATIVE.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

Subsection (a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1608) is amended to read as follows:

‘‘(a) AUTHORITY TO PROVIDE ASSISTANCE.—

‘‘(1) IN GENERAL.—Amounts available for a fiscal year under subsection (f) shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide, for the purposes described in paragraph (2), appropriate security assistance and intelligence support, including training, equipment, logistics support, supplies and services, salaries and stipends, and sustainment to—

‘‘(A) the military and national security forces of Ukraine; and

‘‘(B) other forces or groups recognized by, and under the authority of, the Government of Ukraine, and the assistance or support to be provided.

‘‘(2) PURPOSES DESCRIBED.—The purposes described in this paragraph are as follows:

‘‘(A) To enhance the capabilities of the military and other security forces of the Government of Ukraine to defend against further aggression.

‘‘(B) To assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity.

‘‘(C) To replace, from the inventory of the United States, weapons and articles provided to the Government of Ukraine.

‘‘(D) To recover or dispose of equipment procured using funds made available under this section.

‘‘(e) T ERMINATION OF AUTHORITY.—Subsection (b) of such section is further amended—

(1) in paragraph (2), by striking ‘‘for military purposes’’ and inserting ‘‘with respect to funds for a fiscal year’’;

(2) in paragraph (3), by striking ‘‘with respect to funds for a fiscal year’’; and

(3) by inserting after paragraph (3) the following:

‘‘(4) in subparagraph (E), as redesignated, by inserting ‘‘None of the funds authorized to be appropriated for fiscal year 2022 or 2023’’.

SEC. 1234. NORTH ATLANTIC TREATY ORGANIZATION SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Subchapter II of chapter 123 of title 10, United States Code, is amended by adding at the end the following new section:

‘‘§ 2350r. North Atlantic Treaty Organization Special Operations Headquarters

‘‘(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for each fiscal year for operation and maintenance for the Army that are available for support of North Atlantic Treaty Organization (referred to in this section as ‘‘NATO’’) operations, the Secretary of Defense is authorized to obligate not more than $50,000,000 for each such fiscal year for the purposes set forth in subsection (b).

‘‘(b) PURPOSES.—The Secretary shall provide assets for the NATO Special Operations Headquarters—

‘‘(1) to improve coordination and cooperation between the special operations forces of the United States, Netherlands, and Germany, and to be utilized by the North Atlantic Council as NATO partner nations;

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“(2) to facilitate joint operations by the special operations forces of NATO nations and such NATO partner nations; and
“(3) to support special operations forces pe-
cularly trained for specific missions and operations; and
“(4) to promote interoperability through the development of common equipment standards, tactics, techniques, and procedures through execution of a multina-
tional education and training program.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new item:
“2550c. North Atlantic Treaty Organization Special Operations Head-
quarters.”

(c) REPEAL.—Section 124H of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541) is re-
pealed.

SEC. 1235. REPORT ON UNITED STATES MILITARY FORCIBLE RECOVERY AND RESOURCING REQUIREMENTS IN EUROPE.

(a) In General.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an assessment of the United States military force posture requirements for the United States European Command to support the following objectives:

(1) Implementation of the National Defense Strategy with respect to the area of responsi-
bility of the United States European Command.

(2) Fulfillment of the commitments of the United States to NATO operations, missions, and activities, as modified and agreed upon at the 2022 Madrid Summit.

(3) Reduction of the risk of executing the contingency plans of the Department of De-
fense.

(b) Elements.—The report required by sub-
section (a) shall include the following:

(1) For each military service and warfighting domain, a description of the force structure and posture of assigned and allocated forces in Europe, including consider-
ation of the balance of permanently sta-
tioned forces and forces rotating from the United States, to support the objectives de-
scribed in subsection (a).

(2) An assessment of the military training and all domain exercises to support such ob-
jectives, including—

(A) training and exercises on interoper-
ability; and

(B) joint activities with allies and part-
ners.

(3) An assessment of logistics require-
ments, including personnel, equipment, sup-
plies, pre-positioned storage, host country

support and agreements, and maintenance needs.

(4) An identification of required infrastruc-
ture, facilities, and military construction in-
vestments to support such objectives.

(5) A description of the requirements for United States European Command inte-
grated air and missile defense throughout the area of responsibility of the United States European Command.

(6) An assessment of United States secu-
ricy cooperation activities and resources re-
quired to support such objectives.

(7) An assessment of the resources necessary to address the elements described in paragraphs (1) through (6), categorized by the budget accounts for—

(A) training;

(B) research, development, test, and evalua-
tion;

(C) operation and maintenance;

(D) military personnel; and

(E) military construction.

(8) The projected timeline to achieve ful-
fillment of the objectives, as described in sub-
section (a).

(9) Any other information the Secretary considers relevant.

(c) FORM.—The report required by sub-
section (a) may be submitted in classified form but shall include an unclassified sum-
mary.

SEC. 1236. SENSE OF THE SENATE AND REPORT ON CIVILIAN HARM.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the members of the Armed Forces of the United States—

(A) uphold the highest standards of profes-
sionalism during the conduct of effective, ef-
ficient, and decisive military operations around the world in defense of the people of the United States; and

(B) go to great lengths to minimize civil-
ian harm during the conduct of military opera-
tions; and

(2) the Russian Federation has demon-
strated a complete disregard for the safety of civilians during its unlawful and un-
provoked invasion of Ukraine, which has involved indiscriminate bombing of civilian areas and executions of noncombatants.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing the atrocities committed by the Russian Federation against civilians in Ukraine.

(2) FORM.—The report required by para-
graph (1) shall be submitted in unclassified form.

SEC. 1237. SENSE OF THE SENATE ON THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of the Senate that—

(1) the success of the North Atlantic Trea-
yty Organization (NATO) is critical to ad-
vancing United States national security ob-
jectives in Europe and around the world;

(2) 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, indi-
vidual liberty, and international institutions.

(3) the contributions of NATO to the col-
lective defense are indispensable to the secu-

rity, prosperity, and freedom of its members;

(4) the unified United States reaffirms its ironclad commitment—

(A) to NATO as the foundation of trans-
atlantic security; and

(B) to uphold the obligations of the United States under the North Atlantic Treaty, done at Washington, DC, April 4, 1949, including Article 5 of the Treaty;

(5) the 2022 Strategic Concept correctly highlights the criticality of alliances and partnerships, stating that “[m]utually-
beneficial alliances and partnerships are an enduring pillar of United States, and are critical to achieving our objectives, as the unified response to Russia’s further inva-
sion of Ukraine has demonstrated”;

(6) the Russian Federation’s premeditated and unprovoked invasion of Ukraine poses the most direct threat to security and sta-

bility in Europe since the end of World War II and requires the full attention of the NATO alliance;

(7) the unprovoked and illegal war con-
ducted by the Russian Federation against Ukraine is an affront to the con-
cept of transatlantic security and requires—

(A) a reinvigorated commitment to the shared principles of the NATO alliance; and

(B) a joint commitment by other NATO mem-
ber nations to further the Russian Revanchism by the Russian Federation in the Euro-Atlantic region;

(8) as NATO refocuses its deterrence and defense posture to respond to the Russian Federation’s escalatory actions, allies must simultaneously address threats posed across all domains and all areas of the Euro-Atl-
antic region, including—

(A) threats posed by predatory investments and influence operations carried out by the People’s Republic of China;

(B) border disruptions emanating from Belarus; and

(C) the persistent threat of violent extrem-
ists and transnational organizations;

(9) to respond to aggression by the Russian Federation and address other threats, the NATO alliance should—

(A) assess opportunities to further bolster the NATO enhanced Forward Presence and enhanced Vigilance Activity battlegroups;

(B) focus efforts on burden sharing agree-
ments made in the Wales Pledge, capability targets, contributions to NATO missions and operations, and resilience commitments;

(C) consider force posture adjustments to address emerging security concerns high-
lighted by the Russian Federation’s invasion of Ukraine;

(D) explore additional opportunities to strengthen cooperation with non-NATO countries to counter malign influences carried out by the Russian Federation;

(E) continue efforts to identify, coordinate, and deliver humanitarian aid and security assistance to Ukraine;

(F) intensify efforts to work with NATO al-
lies to establish and enhance rapid and as-
sured movement of military forces through-

out the North Atlantic region and across the continent of Europe on land, on and under the sea, and in the air, including through inc-
creased investment, coordination, and stan-
ardization intended to identify and reduce obstacles to the movement of United States and allied military forces in a time of crisis or conflict;

(G) reaffirm the open-door policy of NATO to allow any European country to apply for membership and be considered on its merits for admission, including—

(i) aspirants such as Ukraine, Georgia, and

Bosnia and Herzegovina; and

(ii) Finland and Sweden, which in the wake of the Russian Federation’s invasion of

Ukraine, have sought NATO membership to

further bolster their own security and the secu-

rity of the Euro-Atlantic region; and

(iii) continue efforts on the admission process to allow any European country to apply for NATO membership and be considered on its merits for admission, including—

(i) aspirants such as Ukraine, Georgia, and

Bosnia and Herzegovina; and

(ii) Finland and Sweden, which in the wake of the Russian Federation’s invasion of

Ukraine, have sought NATO membership to

further bolster their own security and the secu-

rity of the Euro-Atlantic region; and

(iv) the persistent threat of violent extrem-

ists and transnational organizations;

(v) threats posed by predatory investments and influence operations carried out by the People’s Republic of China;

(vi) border disruptions emanating from Belarus; and

(vii) the Russian Federation’s premeditated and unprovoked invasion of Ukraine poses the most direct threat to security and sta-

bility in Europe since the end of World War II and requires the full attention of the NATO alliance;

(viii) the unprovoked and illegal war con-
ducted by the Russian Federation against Ukraine is an affront to the con-
cept of transatlantic security and requires—

(A) a reinvigorated commitment to the shared principles of the NATO alliance; and

(B) a joint commitment by other NATO mem-
ber nations to further the Russian Revanchism by the Russian Federation in the Euro-Atlantic region;
(G) to coordinate and de-conflict security efforts and the dedication of resources with the European Union—

(i) to ensure the fulfilment of European Union—NATO common interests and objectives; and
(ii) to minimize unnecessary overlaps;

(I) the European Deterrence Initiative remains consistent with the dependency on energy from the Russian Federation.

(11) strengthening the defenses of Ukraine and mitigating, and humanitarian assistance to

(A) the Russian Federation's brutality, consistent with the

(12) NATO should maintain cooperation on COVERAGE, which empowers efforts and expand cooperation for future pandemic and disaster preparedness;

(13) the policy of the United States should be to work with NATO and other allies and partners to build permanent mechanisms to strengthen supply chains, enhance supply chain security, fill supply chain gaps, and maintain commitments made at the June 2020 NATO Defense Ministerial, particularly with respect to pandemic response preparations;

(14) the United States and NATO should expand cooperation efforts on cybersecurity issues to prevent adversaries and criminals from compromising critical systems and infrastructure;

(15) the adoption by NATO of a robust strategy toward the Black Sea is in the

interests of the United States, and the United States should consider collaborating with interested allies and partner countries to advance a coordinated strategy that includes diverse elements of the transatlantic security architecture.

SEC. 1238. SENSE OF THE SENATE ON UKRAINE.

It is the sense of the Senate that—

(1) the United States stand with the people of Ukraine as they defend their freedom and sovereignty and the pursuit of further Euro-Atlantic integration;

(2) the Russian Federation's premeditated and unprovoked invasion of Ukraine—

(A) willfully violates the territorial sovereignty of Ukraine and the democratic aspirations of the people of Ukraine; and

(B) presents the gravest threat to transatlantic security since World War II;

(3) the Russian Federation continues to commit acts of aggression against Ukrainian civilians and members of the military forces of Ukraine;

(4) the Russian Federation has no right or authority to veto Ukraine's pursuit of membership in the North Atlantic Treaty Organization (NATO), or the determination of any country to decide on its own to pursue such membership in accordance with NATO's open door policy;

(5) the United States, fellow NATO allies and partners, and the international community have—

(A) rallied support and coordinated assistance for Ukraine;

(B) improved and NATO presence and engagement along NATO's eastern flank; and

(C) imposed a severe and far-reaching set of economic measures to respond to the Russian Federation's violation of the sovereignty and territorial integrity of Ukraine; and

(6) the United States should—

(A) continue to work closely with NATO allies and non-NATO allies and partners to support the ability of Ukraine to repel and rebuild from the Russian Federation's invasion, including by

(i) ensuring that the United States and NATO provide the Government of Ukraine with targeted security, intelligence, and humanitarian assistance to strengthen the defenses of Ukraine and mitigate the impacts of the Russian Federation's brutality, consistent with the security interests of the United States;

(ii) coordinating sanctions, export restrictions, and other economic penalties against the Russian Federation and any country that enables the Russian Federation's invasion of Ukraine;

(iii) supporting efforts to enhance the cybersecurity capabilities of Ukraine;

(B) consider whether further adjustments to United States and NATO military force posture within the area of responsibility of the United States European Command are necessitated by the upheaval of the security environment caused by the Russian Federation;

(C) explore opportunities to further strengthen partnerships with non-NATO partners in Europe;

(D) continue to support—

(i) efforts to counter disinformation; and

(ii) free media sources such as Voice of America and Radio Liberty; and

(E) support energy diversification efforts across the Euro-Atlantic region to reduce the dependency on energy from the Russian Federation.

Subtitle D—Matters Relating to the Indo-Pacific Region

SEC. 1241. EXTENSION AND MODIFICATION OF PAND- PACIFIC DETERRENCE INITIATIVE.

(a) EXTENSION.—Subsection (c) of section 251 of the National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note) is amended by


(2) by striking “fiscal year 2022” and inserting “fiscal year 2023”;

(b) REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION AND STUDY ON COMPETITIVE STRATEGIES.—Subsection (d)(1) of such section is amended—

(A) in paragraph (A), by striking “fiscal years 2023 and 2024” and inserting “fiscal years 2023 and 2024”; and

(B) in paragraph (B)—

(i) by striking “fiscal years 2023 and 2024” and inserting “fiscal year 2023”;

(ii) by inserting “fiscal year 2023” after “in the case of the United States military forces”;

(iii) by inserting “fiscal year 2023” after “in the case of the United States military forces”;

(iii) by striking “fiscal years 2023 and 2024” and inserting “fiscal year 2023”; and

(1) DENY.—The term “deny” means to use

(A) the neutralization of the ability of the People's Republic of China to execute a fait accompli against Taiwan,

(B) the provision of excess defense articles and Foreign Military Sales programs of the Department of State;

(C) the provision of excess defense articles for the People's Republic of China for invading and seizing control of Taiwan before the United States Armed Forces can respond effectively, while simultaneously deterring an effective combined joint response by the United States Armed Forces to deter the People's Republic of China from using military force to unilaterally change the status quo with Taiwan.

SEC. 1242. MULTI-YEAR PLAN TO FULLFIL DEFENSIVE REQUIREMENTS OF MILITARY FORCES OF TAIWAN AND MODIFICATION OF ANNUAL REPORT ON TAIWAN ASYMMETRIC CAPABILITIES AND INTELLIGENCE SUPPORT.

(a) MULTI-YEAR PLAN.—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 and the American Institute in Taiwan, shall seek to engage with appropriate officials of Taiwan to develop and implement a multi-year plan to provide for the acquisition of appropriate defensive capabilities by Taiwan and to enhance capacity shortfalls as described in paragraph (4) that could be addressed in a sufficient and timely manner by—

(A) an assessment of the capability gaps and capacity shortfalls described in paragraph (4) that could be addressed in a sufficient and timely manner by—

(i) the Department of Defense;

(ii) the Department of State;

(iii) the Foreign Military Financing and Foreign Military Sales programs of the Department of State;

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

(1) Identification of the defensive capability gaps and capacity shortfalls of Taiwan.

(2) An assessment of the relative priority assigned by appropriate officials of Taiwan to address such capability gaps and capacity shortfalls.

(3) An examination of the annual resources committed by Taiwan to address such capability gaps and capacity shortfalls.

(4) An assessment of—

(A) the defensive capability gaps and capacity shortfalls that could be addressed in a sufficient and timely manner by unilateral efforts of Taiwan; and

(B) the defensive capability gaps and capacity shortfalls that are unlikely to be addressed in a sufficient and timely manner solely through unilateral efforts.

(5) An assessment of the capability gaps and capacity shortfalls described in paragraph (4)(B) that could be addressed in a sufficient and timely manner by—

(A) the Department of Defense security assistance authorized by chapter 16 of title 10, United States Code; and

(B) the Foreign Military Financing and Foreign Military Sales programs of the Department of State; and

(c) Authorization of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).
section 614a(1) of the Foreign Assistance Act of 1961; or
(E) any other authority available to the Secretary of Defense or the Secretary of State.

(6) An identification of opportunities to build interoperability, combined readiness, joint planning capability, and share situational awareness among the United States, Taiwan, and other foreign partners and allies, as appropriate, through combined training, exercises, and planning activities, including—
(A) tabletop exercises and wargames that allow operational commands to improve joint and combined war planning for contingencies involving a well-equipped adversary in a counter-intervention campaign;
(B) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoperability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;
(C) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;
(D) service-to-service exercise programs that build functional mission skills for addressing challenges posed by a well-equipped adversary in a counter-intervention campaign; and
(E) any other combined training, exercise, or planning activity with the military forces of Cold War allies that the Secretary of Defense considers relevant.

(c) MODIFICATION OF ANNUAL REPORT.—Section 1246 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1888) is amended—
(1) in subsection (a)—
(A) by striking paragraph (7);
(B) by redesignating paragraph (6) as paragraph (7);
(C) by inserting after paragraph (5) the following new paragraph (6):
"(6) With respect to capabilities and capacities the Secretary of Defense assesses to be most effective in deterring, defeating, or delaying military aggression by the People's Republic of China, a prioritized list of capability gaps and capacity shortfalls of the military forces of Taiwan, including—
"(A) an identification of—
"(i) any United States, Taiwan, or ally or partner country defense production timeline challenges to ensure the protection of research, development, production, or fielding of solutions to such capability gaps;
"(ii) the associated investment costs of enabling expanded production for items currently not exportable; and
"(iii) the estimated costs, in a range of options, of procuring sufficient capabilities and capacities to address such gaps and shortfalls;
"(B) the feasibility and advisability of procuring such gaps and shortfalls through United States allies and partners, including through co-development or co-production;
"(C) the feasibility and advisability of assisting Taiwan in the domestic production of solutions to capability gaps, including through—
"(i) the transfer of intellectual property; and
"(ii) co-development or co-production arrangements;"
(2) in subsection (b)—
(A) in paragraph (1), by striking "and" and inserting "or"; and
(B) by inserting after paragraph (10) the following new paragraph:
"(11) an assessment of the feasibility of counter-intervention strategies and the lethality and survivability of combined forces against a well-equipped adversary in a counter-intervention campaign;
(2) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoperability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;
(3) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;
(4) service-to-service exercise programs that build functional mission skills for addressing challenges posed by a well-equipped adversary in a counter-intervention campaign; and
(5) any other combined training, exercise, or planning activity with the military forces of Cold War allies that the Secretary of Defense considers relevant; and
(3) in subsection (d), by striking "report" and inserting "reports."
focusing especially on the United States Indo-Pacific Command and United States European Command areas of operations.

(2) Designation.—The program established under paragraph (1) shall be known as the “Program for Enhanced Indications and Warning” (in this section the “Program”).

(3) Purpose.—The purpose of the Program is to provide the Department with time to plan for and make the most of available capabilities and actions to create doubt in the minds of adversary leaders regarding the prospects for military success.

(b) Head of Program.—
(1) In General.—The Director shall appoint a defense intelligence officer to serve as the program manager for the Program.

(2) Designation.—The program manager for the Program shall be known as the “Program Manager for Enhanced Indications and Warning” (in this section the “Program Manager”).

(c) Sources of Information and Analysis.—The Program Manager shall ensure that the Program makes use of all available sources of information, from public, commercial, and classified sources across the intelligence community to facilitate the purpose of the Program.

(d) Integration with Other Programs.—
(1) Support.—The Program shall be supported by the Chief Digital and Artificial Intelligence Officer, the Maven project, by capabilities sponsored by the Office of the Under Secretary of Defense for Intelligence and Security, and programs already underway within the Defense Intelligence Agency.

(2) Agreements.—The Director shall seek to engage in agreements to integrate information and capabilities from other components of the intelligence community to facilitate the purpose of the Program.

(e) Briefings.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Program Manager shall provide the appropriate committees of Congress a briefing on the status of the activities of the Program.

(f) Term.—The term “appropriate committees of Congress” means—
(1) the congressional defense committees; and
(2) the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

SEC. 1246. PILOT PROGRAM TO DEVELOP YOUNG CIVILIAN DEFENSE LEADERS IN THE INDO-PACIFIC REGION.

(a) In General.—The Secretary of Defense may establish, using existing authorities of the Department of Defense, a pilot program to enhance engagement of the Department with young civilian defense leaders in the Indo-Pacific region.

(b) Purposes.—The activities of the pilot program under subsection (a) shall include training and engagement with young civilian leaders from foreign partner nations and security leaders in the Indo-Pacific region.

(1) Enhancing bilateral and multilateral cooperation between—
(A) civilian leaders in the Department; and
(B) civilian leaders in foreign partner ministries of defense; and
(2) building the capacity of young civilian leaders of the Department of Defense to promote civilian control of the military, respect for human rights, and adherence to the law of armed conflict.

(c) Program Period.—Not later than June 1, 2023, the Secretary of Defense, in consultation with the Secretary of State, shall make a briefing to the appropriate committees of Congress on the design of the pilot program under subsection (a).

(d) Progress Briefings.—Not later than June 1, 2023, the Secretary of Defense, in consultation with the Secretary of State, shall provide a briefing to the appropriate committees of Congress on the pilot program that includes—
(A) a description of the activities conducted and the results of such activities;
(B) an identification of existing authorities used to carry out the pilot program;
(C) any recommendations related to new authorities or modifications to existing authorities that may indicate preparations for military actions; and
(D) any other matter the Secretary of Defense considers relevant.

(e) Termination.—The pilot program under subsection (a) shall terminate on December 31, 2026.

(f) Commission.—
(1) Establishment.—The Director shall establish the Indo-Pacific Partnership Program Commission, which shall—
(A) carry out the duties under subsection (b); and
(B) make such recommendations as the Commission considers necessary to achieve the objectives of the pilot program.

(2) Executive Committee.—The Commission shall include—
(A) key policymakers and senior officials of the United States government, including the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff; and
(B) representatives of United States military commands and strategic centers of gravity.

(3) Reporting.—The Commission shall provide an annual report to the appropriate committees of Congress on its activities.

(g) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Defense to carry out this section $70,000,000 for fiscal year 2023, of which—
(1) $50,000,000 shall be available for the design and establishment of the program; and
(2) $20,000,000 shall be available to conduct the program.

SEC. 1247. SENSE OF THE SENATE ON SUPPORTING UNITED STATES MILITARY POSTURE IN THE INDO-PACIFIC REGION.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the adequacy of existing bilateral agreements between the United States and foreign governments to support the existing and planned military posture of the United States in the Indo-Pacific region, to include—
(1) an analysis of the need for new bilateral agreements, by country and type, to support a more distributed United States military posture in the Indo-Pacific region, as outlined by the Global Force Posture Review, including agreements necessary—
(A) to establish new cooperative security locations, forward operating locations, and other locations in support of distributed operations; and
(B) to enable exercises and a more rotational force presence.

(2) A description of the relative priority of the agreements articulated under paragraph (1).

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Defense to carry out this section $10,000,000 for fiscal year 2023, of which—
(1) $5,000,000 shall be available for the design and establishment of the program; and
(2) $5,000,000 shall be available to conduct the program.

SEC. 1248. CROSS-FUNCTIONAL TEAM FOR MATTERS RELATING TO THE PEOPLE'S REPUBLIC OF CHINA, THE INDO-PACIFIC, AND TAIWAN.

(a) Establishment.—The authority provided pursuant to section 911(c) of the National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 111 note), the Secretary of Defense shall establish a cross-functional team consisting of—
(1) the Program Manager for Enhanced Indications and Warning, in consultation with the Secretary of State; and
(2) other senior Department officials, of—
(A) the Office of the Under Secretary of Defense for Intelligence and Security; and
(B) the Indo-Pacific Command.

(b) Duties.—The duties of the cross-functional team established under subsection (a) shall be—
(1) to ensure alignment across Department policies, strategies, and activities related to the People’s Republic of China; and
(2) to engage with the National Security Council, the President, and other senior policymakers as necessary to coordinate Department efforts to address national security challenges posed by the People’s Republic of China.

(c) Team Leadership.—The cross-functional team shall be led by the Cross-Functional Team Leader, who shall be appointed by the Secretary of Defense in consultation with the Secretary of State.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Defense to carry out this section $7,000,000 for fiscal year 2023, of which—
(1) $2,000,000 shall be available for the design and establishment of the program; and
(2) $5,000,000 shall be available to conduct the program.
China, as the Government of the People's Republic of China expands and modernizes the People's Liberation Army; and

(3) strongly urges the Department to manage the status quo across the strait, and take urgent actions to ensure, consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.), that the United States Armed Forces maintain the status quo and protect the self-defense capability of the Government of the People's Republic of China in order to deter the People's Republic of China from using force to unilaterally change the status quo with Taiwan.

SEC. 1252. SENSE OF CONGRESS ON DEFENSE ALIANCE AND PARTNERSHIPS IN THE INDO-PACIFIC REGION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Indo-Pacific strategy states, "we will prioritize our single greatest asymmetric advantage: our network of security alliances and partnerships. Across the region, the United States will work with allies and partners to deepen our interoperability and develop and deploy advanced warfighting capabilities as we support them in defending their citizens and their sovereign interests."

(2) To facilitate sheet accompanying the National Defense Strategy states, "[m]utually-beneficial Alliances and partnerships are an enduring strength for the United States, and are core among our objectives. The Department of Defense will incorporate ally and partner perspectives, competencies, and advantages at every stage of defense planning..."

(3) Chairman of the Joint Chiefs of Staff General Milley testified on April 7, 2022, that "our alliances and partnerships are our most significant advantages and are key to maintaining the international rules-based order that offers the best opportunities for peace and prosperity for America and the globe."

(4) Commander of the United States Indo-Pacific Command Admiral Aquilino testified on March 10, 2022, that "a key U.S. asymmetric advantage that our security challengers do not possess is our network of strong alliances and partnerships. Because these relationships are based on shared values and interests, they provide us with significant advantages such as long-term mutual trust, understanding, respect, interoperability, and a common commitment to a free and open Pacific."

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should continue efforts that strengthen United States 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—

(1) enhancing cooperation with Japan, consistent with the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington, January 19, 1960, 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, including by maintaining the presence of approximately 28,500 members of the United States Armed Forces deployed to the country and affirming the United States commitment to extended deterrence through the full range of United States defense capabilities, consistent with the Mutual Defense Treaty Between the United States and the Republic of Korea, October 1, 1951, as amended, and in support of the shared objective of a peaceful and stable Korean Peninsula;

(3) fostering bilateral and multilateral cooperation with Australia, consistent with the Security Treaty Between Australia, New Zealand, and the United States of America, November 1, 1951, as amended, and through the partnership among Australia, the United Kingdom, and the United States (commonly known as "AUKUS")—

(A) to advance the shared objective of a free and open Indo-Pacific region through bilateral and multilateral engagements and participation in joint exercises, defense trade, and collaboration on humanitarian aid and disaster response; and

(B) to accelerate the fielding of advanced military capabilities; and

(C) to build the capacity 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, leverage technology and promote innovation, and support an open, inclusive, and rules-based regional architecture;

(5) broadening United States engagement 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 joint exercises, defense trade, and collaboration on humanitarian aid and disaster response; and

(B) to enable greater cooperation on maritime security and counterterrorism, including by—

(1) enhancing coordination on defense planning;

(2) improving intelligence sharing; and

(3) deepening maritime interoperability.

(c) DIRECTORS.—In the section, the term "directors" means—

(1) the land around the southern and eastern shores of the Mediterranean Sea;

(2) the Arabian Peninsula;

(3) Iran; and

(4) North Africa.

Subtitle F—Other Matters

SEC. 1271. PROHIBITION ON PARTICIPATION IN OFFENSIVE MILITARY OPERATIONS AGAINST THE HOUTHS IN YEMEN.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act shall be made available to provide for Department of Defense participation in offensive operations against the Houthis in Yemen by the coalition led by Saudi Arabia, unless a specific statutory authorization for such use of the United States Armed Forces has been enacted.

(b) WAIVER.—The Secretary of Defense may waive the prohibition under subsection (a) if the Secretary—

(1) determines that such a waiver is in the national security interests of the United States;

(2) issues the waiver in writing; and

(3) not more than 5 days after issuing the waiver, submits to the Committees on Appropriations of the Senate and the House of Representatives a notification that includes the text of the waiver and a justification for the waiver.

(c) PROHIBITION OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

(1) United States counterterrorism cooperation with Saudi Arabia or the United Arab Emirates against al-Qaeda, the Islamic State of Iraq and Syria, or associated forces;

(2) support intended to assist Saudi Arabia, the United Arab Emirates, or other member countries of the coalition to defend themselves against threats emanating from Yemen to their sovereignity or territorial integrity, the
sovereignty or territorial integrity of any other United States partner or ally, or the safety of United States persons or property, including—
(A) threats from ballistic missiles, cruise missiles, or unmanned aerial vehicles; and
(B) explosive boat threats to international maritime traffic;
(3) the provision of humanitarian assistance; or
(4) the preservation of freedom of navigation.
(2) Extension of Prohibition on In-Flight Refueling to Non-United States Aircraft That Engage in Hostilities in the On-going Civil War in Yemen.—Section 1273 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1699) is amended to read as follows:

SEC. 1273. PROHIBITION ON IN-FLIGHT REFUELING TO NON-UNITED STATES AIRCRAFT THAT ENGAGE IN HOSTILITIES IN THE ON-GOING CIVIL WAR IN YEMEN.

"For the two-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023, the Department of Defense may not provide in-flight refueling pursuant to section 2342 of title 10, United States Code, or any other applicable statute or authority, to non-United States aircraft that engage in hostilities in the ongoing civil war in Yemen unless and until a declaration of war or a specific statutory authorization for such use of United States Armed Forces has been enacted.".

SEC. 1272. EXTENSION OF AUTHORITY FOR UNITED STATES-UKRAINE COOPERATION TO COUNTER UNMANNED AERIAL SYSTEMS.

Section 1276(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1702; 22 U.S.C. 8606 note) is amended by striking ‘‘December 31, 2026’’ and inserting ‘‘December 31, 2028’’.

SEC. 1273. EXTENSION OF AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS.

Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is amended by striking ‘‘December 31, 2023’’ and inserting ‘‘December 31, 2024’’.

SEC. 1274. MODIFICATION OF SECRETARY OF DEFENSE STRATEGIC COMPETITION INITIATIVE.

(a) Authority.—Subsection (a) of section 1312 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 6001 note) is amended by striking ‘‘2022’’ and inserting ‘‘2027’’.

(b) Authorized Activities and Programs.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

‘‘(5) Other activities or programs of the Department of Defense, including activities to coordinate with or support other Federal departments and agencies in advancing United States interests relating to strategic competition.’’.

SEC. 1275. ASSESSMENT OF CHALLENGES TO IMPLEMENTATION OF THE PARTNER-ship Among Australia, the United Kingdom, and the United States.

(a) In General.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center for the conduct of an independent assessment of resourcing, policy, and process challenges to implementing the partnership among Australia, the United Kingdom, and the United States (commonly known as the ‘‘AUKUS partnership’’) announced on September 21, 2021.

(b) Matters to be Considered.—In conducting the assessment required by section (a), the federally funded research and development center shall consider the following with respect to each of Australia, the United Kingdom, and the United States:

(1) Potential resourcing and personnel shortfalls.
(2) Information sharing, including foreign disclosure policy and processes.
(3) Statutory, regulatory, and other policies and processes.
(4) Intellectual property, including patents.
(5) Export controls, including technology transfer and protection.
(6) Security protocols and practices, including personnel, operational, physical, facility, cybersecurity, counterintelligence, marking and classifying information, and handling and transmission of classified material.
(7) Any other matter the Secretary considers appropriate.

(c) Recommendations.—The federal funded research and development center selected to conduct the assessment under this section shall include, as part of such assessment, recommendations for improvements to resourcing, policy, and process challenges to implementing the AUKUS partnership.

(d) Report.—

(1) In General.—Not later than January 1, 2024, the Secretary shall submit to the Congress a report that includes an unaltered copy of such assessment, together with the views of the Secretary on the assessment and on the recommendations included in the assessment pursuant to subsection (c).

(2) Form of Report.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Armed Forces and other activities and agencies of the Department of Defense 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 2023 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 material 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 2023 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drag 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 fiscal year 2023 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—National Defense Stockpile

SEC. 1411. MODIFICATION OF ACQUISITION AUTHORITY UNDER STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.

(a) In General.—Section 5 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d) is amended by—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting ‘‘under the authority of paragraph (3) or after “Except for acquisitions made”’’;

(ii) in the second sentence, by striking ‘‘for such acquisition’’ and inserting ‘‘for any acquisition of materials under this Act’’;

(B) by adding at the end the following:

‘‘(5) Using funds appropriated for acquisition of materials under this Act, the National Defense Stockpile Manager may acquire materials determined to be strategic and critical under section 3(a) without regard to the requirement of the first sentence of paragraph (1) if the Stockpile Manager determines there is a shortfall of such materials in the stockpile.’’;

and

(2) in subsection (c), by striking ‘‘to carry out the purposes for which appropriated for a period of two fiscal years, if so provided in the appropriations Acts’’ and inserting ‘‘until expended, unless otherwise provided in the appropriations Acts’’.

(b) Increase in Quantities of Materials to Be Stockpiled.—Section 3(c)(2) of the
SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2023 from the Armed Forces Retirement Home Trust fund the sum of $132,931,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO NATIONAL DEFENSE STOCKPILE.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $167,600,000 may be transferred by the Secretary of Defense to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

(b) TREATMENT OF TRANSFERRED FUNDS.—For purposes of subsection (a)(2) of such section 1704, any funds transferred under subsection (a) shall be treated as amounts authorized and appropriated specifically for the purpose of such subsection.

(c) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, any funds transferred under subsection (a) may be used for operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Captain James A. Lovell Federal Health Care Center, and the Captain James A. Lovell Federal Health Care Center, and any other medical facilities of the Department of Veterans Affairs that are 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 110–117; 122 Stat. 4500).

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

Subtitle A—Space Activities

SEC. 1501. ADDITIONAL AUTHORITIES OF CHIEF OF SPACE OPERATIONS.

Section 1503 of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ‘‘; and’’ and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ‘‘; and’’;

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

‘‘(7) be the force design architect for space systems of the armed forces.’’.

SEC. 1502. COMPREHENSIVE STRATEGY FOR THE SPACE FORCE.

(a) STRATEGIC OBJECTIVES.—The Secretary of the Air Force and the Chief of Space Operations shall jointly develop strategic objectives related to—

(1) United States space superiority;

(2) global communications, command and control, and intelligence, surveillance, and reconnaissance for the combatant commands and the respective components of the combatant commands; and

(3) the requirements development, and deployment of Space Force capabilities to meet the full range of joint warfighting space requirements of the combatant commands.

(b) THE FORCE DESIGN ARCHITECT.—

(1) IN GENERAL.—Not later than June 30, 2023, the Secretary and the Chief shall joint-
SEC. 1505. CONTINUED REQUIREMENT FOR NATIONAL SECURITY SPACE LAUNCH PROGRAM.

In carrying out Phase 2 of the acquisition strategy for the National Security Space Launch program, the Secretary of the Air Force shall ensure that launch services are procured only from launch service providers that use launch vehicles meeting Federal requirement (a) in respect to required payloads to reference orbits.

SEC. 1506. EXTENSION OF ANNUAL REPORT ON NATIONAL COMMAND AND CONTROL

Section 1613(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1731) is amended by striking “2022” and inserting “2026”.

SEC. 1507. MODIFICATION OF REPORTS ON INTEGRATION OF ACQUISITION AND CAPABILITY DELIVERY SCHEDULES FOR SEGMENTS OF MAJOR SATELLITE ACQUISITIONS PROGRAMS AND FUNDING FOR SUCH PROGRAMS.

Section 2275(f) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 1508. UNITED STATES AIR FORCE PLAN TO MANAGE INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT SYSTEM AND MULTI-DOMAIN SENSORS.

(a) UPDATE REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall update the plan that was developed pursuant to section 1669 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(b) COORDINATION WITH OTHER AGENCIES.—In developing the update required by subsection (a), the Secretary shall—

(1) coordinate with the Secretary of the Army, the Secretary of the Navy, the Director of the Missile Defense Agency, the Director of the National Reconnaissance Office, and the Director of the Space Development Agency; and

(2) solicit comments on the plan, if any, from the Commander of United States Strategic Command, the Commander of United States Northern Command, and the Commander of United States Space Command.

(c) SUBMITAL TO CONGRESS.—Not later than 30 days after the update required by subsection (a) is complete, the Secretary of the Air Force shall submit to the congressional defense committees—

(1) the plan updated pursuant to subsection (a); and

(2) the comments from the Commander of United States Strategic Command, the Commander of United States Northern Command, and the Commander of United States Space Command, if any, solicited under subsection (b)(2).

Subtitle B—Nuclear Forces

SEC. 1511. MATTERS RELATING TO ROLE OF NUCLEAR WEAPONS COUNCIL WITH RESPECT TO BUDGET FOR NUCLEAR WEAPONS PROGRAMS.

(a) REPEAL OF TERMINATION OF NUCLEAR WEAPONS COUNCIL CERTIFICATION AND REPORTING REQUIREMENT.—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 (b) and inserting the following:

(b) MODIFICATION TO RESPONSIBILITIES OF NUCLEAR WEAPONS COUNCIL.—Section 179(f)(9) of title 10, United States Code, is amended by inserting “, in coordination with the Joint Requirements Oversight Council,” after “capabilities,” and

(c) AMENDMENT TO BUDGET AND FUNDING MATTERS FOR NUCLEAR WEAPONS PROGRAMS.—

(1) IN GENERAL.—Section 179(f) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(B) by striking the heading and inserting the following:

“BUDGET AND FUNDING MATTERS.—(1) The Council shall review each budget request transmitted by the Secretary of Energy to the Congress under section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) and make a determination regarding the adequacy of each such request.

(2) Not later than 30 days after making a determination described in subparagraph (A), the Council shall notify Congress that such a determination has been made:”;

and

(2) IN GENERAL.—Section 179(f) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(B) by striking the heading and inserting the following new paragraph (7):

“(7) If a House of Congress adopts a bill authorizing or appropriating funds for the Department of Defense that, as determined by the Council, provides funds in an amount that will result in a delay in the nuclear delivery or communications systems in development as of January 1, 2022, the Council shall notify the congressional defense committees of the determination:”;

(2) TRANSFER OF DETERMINATION OF ADEQUACY REQUIREMENT.—Subparagraph (B) of section 4717(a)(2) of the Atomic Energy Defense Act (50 U.S.C. 2757) is—

(A) transferred from section 179(f)(10) of title 10, United States Code, as amended by paragraph (1);

(B) inserted after paragraph (1)(A) of such section;

and

(C) amended—

(i) by moving such subparagraph 4 ems to the left;

(ii) by striking “DETERMINATION OF ADEQUACY” and all that follows through “INCORRECT REQUESTS,” and inserting “(i)”;

(iii) in clause (1), by striking “paragraph (1)” and inserting “section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)”;

(iv) in clause (2), by striking “section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)”;

(v) in clause (3), by striking “paragraph (1)” and inserting “section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)”;

(vi) in clause (4), by striking “paragraph (1)” and inserting “section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)”;

(vii) by striking “section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)”;

and

(D) MODIFICATION OF BUDGET REVIEW BY NUCLEAR WEAPONS COUNCIL.—Section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

“(2) REVIEW.—The Council shall review each budget request transmitted to the Council under paragraph (1) in accordance with section 179(f) of title 10, United States Code;”;

and

(B) in paragraph (3)(A)—

(i) by striking “section 179(f)(1)(B)” and inserting “section 179(f)(1)(B)(i)”;

(ii) by striking “section 179(f)(1)(B)” and inserting “section 179(f)(1)(B)(i)”;

and

(2) by striking the “description under paragraph (2)(B)” and inserting “that description”; and

(3) in subsection (b)—

(A) by striking “council—” in the heading and all that follows through “At the time” and inserting “COUNCIL—At the time”; and

(B) by striking paragraph (2).

SEC. 1512. DEVELOPMENT OF RISK MANAGEMENT FRAMEWORK FOR THE UNITED STATES NUCLEAR ENTERPRISE.

(a) FRAMEWORK.—Not later than June 1, 2023, the Under Secretary of Defense for Acquisition and Sustainment and the Administrator for Nuclear Security, in coordination with the other members of the Nuclear Weapons Council, shall develop a joint risk management framework—

(1) to periodically identify, analyze, and respond to risks that affect the nuclear enterprise of the United States; and

(2) to report, internally to other members of the Nuclear Weapons Council and externally to relevant stakeholders, such risks and any associated mitigation efforts.

(b) ELEMENTS.—The framework required by subsection (a) shall—

(1) programs to sustain and modernize the nuclear weapons stockpile of the United States;

(2) efforts to sustain and recapitalize infrastructure and facilities of the National Nuclear Security Administration that support programs of the Department of Defense;

(3) programs to sustain and modernize nuclear weapons delivery systems of the Department of Defense; and

(4) programs to sustain and modernize the nuclear command, control, and communications infrastructure of the United States.

(c) SUBJECT MATTER EXPERTISE.—The Under Secretary and the Administrator shall draw upon public and private sector resources to inform the development of the framework required by subsection (a), including by leveraging, to the maximum extent possible, the expertise within the Defense Acquisition University.

(d) BRIEFINGS.—The Under Secretary and the Administrator shall jointly brief the congressional defense committees—

(1) not later than February 1, 2023, on the progress made toward developing the framework required by subsection (a); and

(2) not later than June 30, 2023, on the completed framework.

SEC. 1513. ANNUAL BRIEFING ON NUCLEAR WEAPONS AND RELATED ACTIVITIES.

Chapter 24 of title 10, United States Code, is amended by inserting after section 492a the following new section:

“SEC. 492b. BIENNIAL BRIEFING ON NUCLEAR WEAPONS AND RELATED ACTIVITIES.

“(a) IN GENERAL.—On or about May 1 and November 1 of each calendar year, the official(s) specified in subsection (b) shall brief the Committees on Armed Services of the Senate and the House of Representatives on matters relating to nuclear weapons policies, operations, technologies, and other similar topics as requested by such committees.

“(b) OFFICIALS SPECIFIED.—The officials specified in this subsection are—

(1) the Assistant Secretary of Defense for Acquisition.

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(1) space domain awareness; (2) positioning, navigation, and timing; (3) communications; (4) hypersonics; (5) cybersecurity; and (6) any other matter the Secretary of the Air Force considers relevant.

(c) EDUCATION AND TRAINING.—Activities carried out under clause (a) shall—

(1) promote education and training for students so as to support the future national security space workforce of the United States;

and

(2) explore opportunities for international collaboration.

(d) TERMINATION.—The authority provided by this section shall expire on December 31, 2027.
"(2) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

"(3) The Assistant Secretary of Defense for Space and Missile Systems.

"(4) The Deputy Administrator for Defense Programs of the National Nuclear Security Administration.


"(6) The Director for Capability and Resource Integration (J8) for the United States Strategic Command.

"(c) DELIGATION.—An official specified in subsection (b) may delegate the authority provided under subsection (a) to any employee of such official who is a member of the Senior Executive Service.

"(d) TERMINATION.—This section terminates three years after the date of enactment of this Act.

SEC. 1514. PLAN FOR DEVELOPMENT OF REENTRY VEHICLES.

(a) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Administrator for Nuclear Security and the Under Secretary of Defense for Research and Engineering, shall produce a plan for the development, during the 20 year period beginning on the date of the enactment of this Act, of—

(1) the Mark 21A reentry vehicle for the Air Force;

(2) the Mark 7 reentry vehicle for the Navy; and

(3) any other reentry vehicles for—

(A) the Sentinel intercontinental ballistic missile weapon system;

(B) the Trident II (D5) submarine-launched ballistic missile, or subsequent missile; and

(C) any other long range ballistic or hypersonic strike missile that may rely upon technologies similar to the technologies used in the missiles described in subparagraphs (A) and (B).

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) with respect to the development of each reentry vehicle described in subsection (a), describe—

(A) timed phases of production for the reentry aeroshell and the planned production and fielding of the reentry vehicle;

(B) the required developmental and operational testing capabilities and capacities, including the availability of critical materials and staffing to ensure adequate competition between entities developing the reentry vehicle;

(C) projections for the development of the first operational reentry vehicle and the production of subsequent reentry vehicles to meet Navy and Air Force requirements; and

(3) provide for the coordination with and account for the needs of the development by the Department of Defense of hypersonic systems using materials, staffing, and an industrial base similar to that required for the development of reentry vehicles described in subsection (a).

(c) ASSESSMENTS.—

(1) COST PROJECTIONS.—The Director of the Office of Cost Assessment and Program Evaluation of the Department of Defense and the Director of Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall jointly conduct an assessment of the costs of the plan required by subsection (a).

(2) TECHNOLOGY AND MANUFACTURING READINESS.—The Under Secretary of Defense for Acquisition and Sustainment shall enter into an agreement with a federally funded research and development center to conduct an assessment of the technology and manufacturing readiness with respect to the plan required by subsection (a).

(3) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force for Acquisition, Technology, and Logistics shall designate a senior official to monitor the combined industrial base supporting the acquisition of B-21 aircraft and Sentinel programs.

(4) REVIEW OF ASSESSMENTS.—In monitoring the combined industrial base described in subsection (a), the senior official designated under that subsection shall—

(A) monitor the acquisition of—

(i) personnel and facilities;

(ii) materials, technologies, and components associated with nuclear weapons systems; and

(iii) commodities purchased on a large scale; and

(B) assess whether public and private personnel with critical skills and knowledge, intellectual property in manufacturing processes, and facilities and equipment necessary to design, develop, manufacture, repair, and support a program are available and affordable within the scope of the B-21 aircraft and Sentinel programs.

(5) ANNUAL REPORT.—Contemporaneously with the submission of the budget of the President pursuant to section 1105(a) of title 31 for a fiscal year, the Secretary shall submit to the congressional defense committees a report with respect to the status of the combined industrial base described in subsection (a).

SEC. 1515. INDUSTRIAL BASE MONITORING FOR B-21 AND SENTINEL PROGRAMS.

(a) IN GENERAL.—The Secretary of the Air Force, acting through the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, shall designate a senior official to monitor the combined industrial base supporting the acquisition of B-21 aircraft and Sentinel programs.

(b) REQUIREMENTS FOR MONITORING.—In monitoring the combined industrial base described in subsection (a), the senior official designated under that subsection shall—

(1) assess and report to the Secretary of the Air Force and the Secretary of Defense committees with respect to the status of the combined industrial base described in subsection (a).

SEC. 1516. ESTABLISHMENT OF INTERCONTINENTAL BALLISTIC MISSILE SITE ACTIVATION TASK FORCE FOR SENTINEL PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Air Force Global Strike Command a directorate to be known as the Sentinel Intercontinental Ballistic Missile Site Activation Task Force (referred to in this section as the "Task Force").

(2) SITE ACTIVATION TASK FORCE.—The Task Force shall serve as the Site Activation Task Force (as that term is defined in Air Force Instruction 10–503, updated October 14, 2020) for purposes of overseeing the construction of fixed facilities and emplacements and the installation and checkout of supporting subsystems and equipment leading to the deployment and use of full operational capability of the LGM-35A Sentinel intercontinental ballistic missile weapon system to operational capability at each intercontinental ballistic missile wing.

(b) DIRECTOR.—

(1) IN GENERAL.—The Task Force shall be headed by the Director of Intercontinental Ballistic Missile Modernization (referred to in this section as "the Director").

(2) APPOINTMENT.—

(A) IN GENERAL.—The Secretary of the Air Force shall appoint the Director from among the officers of the United States Air Force (as defined in title 10, United States Code) of the Air Force.

(B) QUALIFICATIONS.—In appointing the Director, the Secretary of the Air Force shall give preference to individuals with expertise in large construction projects.

(3) TERM.—The Director shall be appointed for a term of three years. The Secretary may reappoint the Director for one additional three year term.

(4) REMOVAL.—The Secretary may remove the Director for cause at any time.

(5) DUTIES OF THE DIRECTOR.—The Director shall—

(A) oversee—

(i) the deployment of the LGM-35A Sentinel intercontinental ballistic missile weapon system; and

(ii) the retirement of the LGM-30G Minuteman III intercontinental ballistic missile weapon system.

(B) subject to the authority, direction, and control of the Commander of the Air Force Global Strike Command, the Chief of Staff of the Air Force, and the Secretary of the Air Force, prepare, justify, and execute the personnel, operation and maintenance, and construction budgets for such deployment and reemployment.

(c) REPORTS.—

(1) REPORT TO SECRETARIES.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the progress of the Air Force in achieving initial and full operational capability for the LGM-35A Sentinel intercontinental ballistic missile weapon system.

(2) REPORT TO CONGRESS.—Not later than 30 days after receiving a report required by paragraph (1), the Secretary of the Air Force and the Secretary of Defense shall transmit the report to the congressional defense committees.

(d) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) QUARTERLY BRIEFING.—Not later than one year after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Air Force shall brief the congressional defense committees with respect to progress made on activities by the Air Force in achieving initial and full operational capability for the LGM-35A Sentinel intercontinental ballistic missile weapon system to operational capability at each intercontinental ballistic missile wing.

(e) WEAPON SYSTEM DESIGNATION.—

(1) IN GENERAL.—For purposes of nomenclature and life cycle maintenance, each wing level configuration of the LGM-35A Sentinel intercontinental ballistic missile shall be considered a weapon system.

(2) DEFINITIONS.—In this subsection:

(A) WEAPON SYSTEM.—The term "weapon system" has the meaning given the term in Department of the Air Force Pamphlet 67–128, updated February 3, 2021.

(B) WING LEVEL CONFIGURATION.—The term "wing level configuration" includes the complete arrangement of subsystems and equipment of the LGM-35A Sentinel intercontinental ballistic missile required to function as a wing.

(4) TERMINATION.—The Task Force shall terminate not later than 90 days after the completion of the United States Strategic Command and the Commander of the Air Force Global Strike Command (or the heads of successor agencies of the United States Strategic Command and the Air Force Global Strike Command) jointly declare that the LGM-35A Sentinel intercontinental ballistic
SEC. 1517. SENSE OF THE SENATE AND BRIEFING ON COOPERATION BETWEEN THE UNITED STATES AND THE UNITED KINGDOM.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States strategic nuclear deterrent, and the independent strategic nuclear deterrents of the United Kingdom and the Federal Republic, are the supreme guarantee of the security of the North Atlantic Treaty Organization (commonly referred to as “the Alliance”) to continue to support peace and security for all members of the NATO alliance;

(2) the security of the NATO alliance also relies on the nuclear arrangements that predate, and are fully consistent with, the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1969 (commonly referred to as the “Non-Proliferation Treaty”);

(3) such arrangements provide for the forward deployment of United States nuclear weapons in Europe, along with the supporting capabilities, infrastructure, and dual-capable aircraft dedicated to the delivery of U.S. nuclear weapons, provided by European NATO allies;

(4) in parallel to the independent commitments of the United States and the United Kingdom to the enduring security of NATO, the nuclear programs of the United States and the United Kingdom have enjoyed significant collaborative benefits as a result of the cooperative relationship formalized in the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington July 3, 1958, and entered into force August 4, 1958, between the United States and the United Kingdom (commonly referred to as the “Mutual Defense Agreement”);

(5) the unique partnership between the United States and the United Kingdom has enhanced sovereign military and scientific capabilities, strengthened bilateral ties, and resulted in the sharing of costs;

(6) as the international security environment deteriorates and potential adversaries expand their nuclear forces, the extended deterrence commitments of the United Kingdom play an increasingly important role in supporting the security interests of the United States and the United Kingdom;

(7) additionally, the extension of the nuclear deterrence commitments of the United Kingdom to the United States and the United States to the United Kingdom will strengthen collective security while reducing the burden placed on United States nuclear forces to deter potential adversaries and allied nations of the United States; and

(8) it is in the national security interest of the United States to support the United Kingdom with respect to the decision of the Government of the United Kingdom to maintain its nuclear forces to deter countries that are “significantly increasing and diversifying their nuclear arsenals” and “investing in warhead technologies and developing ‘warfighting’ nuclear systems” that could threat NATO allies, as outlined in the March 2021 report of the Government of the United Kingdom in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy.

(9) the United States continues to modernize its aging nuclear forces to ensure its ability to continue to field a nuclear deterrent that is safe, secure, and effective, the United States and the United Kingdom have “a similar challenge in modernizing existing nuclear forces significant”. The Trident II D5 weapons system, the common missile compartment for the future Dreadnought and Columbia classes of submarines, and the parallel development of the W80-2 warhead of the United States and the replacement warhead of the United Kingdom, will allow the United States and the United Kingdom to responsibly address challenges within their legacy nuclear forces in a cost-effective manner.

(A) preserves independent, sovereign control;

(B) is consistent with each country’s obligations under the Nuclear Non-Proliferation Treaty; and

(C) supports nonproliferation objectives; and

(11) continued cooperation between the nuclear programs of United States and the United Kingdom is essential to ensuring that the NATO alliance continues to be supported by nuclear forces capable of preserving peace, preventing coercion, and deterring aggression.

(b) BRIEFING.—Not later than March 4, 2023, the Under Secretary of Defense for Acquisition and Sustainment shall brief the Committees on Armed Services of the Senate and the House of Representatives on opportunities to further enhance and strengthen the bilateral partnership between the nuclear enterprises of the United States and the United Kingdom, including potential cooperation in areas of procurement, manufacturing, microelectronics, supercomputing, and production modernization.

SEC. 1518. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORTS ON INTERCONTINENTAL BALISTIC MISSILE FORCE.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Office of the Under Secretary of Defense for Policy, not more than 50 percent may be obligated or expended until the Secretary of Defense and the Secretary of Energy submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the life extension program for the ICBM force.

(b) REPORT REQUIRED.—

(1) in general.—The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives at such time as the Department of Defense determines is necessary to perform the assessment required by paragraph (2)(D), the report shall contain a discussion of the capability and sufficiency of current and planned conventional and nuclear delivery capabilities to satisfy such requirements;

(2) elements.—The report required by paragraph (1) shall include—

(A) a review of Department of Defense requirements for competing hard and deeply buried targets, including facilities designed for the storage or manufacture of nuclear, chemical, and biological weapons and their precursors;

(B) an evaluation of the sufficiency of current and planned conventional and nuclear delivery capabilities to satisfy such requirements;

(C) an identification of likely future trajectories in the worldwide use and proliferation of nuclear and deeply buried targets;

(D) an assessment of the resources, research and development efforts, and capability options needed to ensure that the United States maintains the ability to perform the assessment required by paragraph (3)(D), and the report shall assess under subparagraph (D)

(3) COVERED REVIEW DEFINED.—In this section, the term ‘covered review’ means any review initiated in 2021 or 2022 by an entity pursuant to an agreement or contract with the Federal Government regarding—

(A) a service life extension program for LGM-30 Minuteman III intercontinental ballistic missiles;

(B) the future of the intercontinental ballistic missile force.

SEC. 1519. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2023 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, sustainment, or replacement of intercontinental ballistic missiles;

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

SEC. 1520. LIMITATION ON USE OF FUNDS FOR B61-1 RETIREMENT AND REPORT ON DEFEATING HARD AND DEEPLY BURIED TARGETS.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (c), none of the funds authorized to be appropriated by this Act for the Department of Defense or the Department of Energy for the purpose of deactivating, dismantling, or reti- ring the B61-1 nuclear weapon may be obligated or expended until the Secretary of Defense and the Secretary of Energy submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defeat of hard and deeply buried targets.

(b) REPORT REQUIRED.—

(1) in general.—The Secretary of Defense and the Secretary of Energy, acting through the Nuclear Weapons Council established under section 179 of title 10, United States Code, and the Joint Requirements Oversight Council established in consultation with the Director of National Intelligence, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defeat of hard and deeply buried targets.

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

(A) a review of Department of Defense requirements for defeating hard and deeply buried targets, including facilities designed for the storage or manufacture of nuclear, chemical, and biological weapons and their precursors;

(B) an evaluation of the sufficiency of current and planned conventional and nuclear delivery capabilities to satisfy such requirements;

(C) an identification of likely future trajectories in the worldwide use and proliferation of nuclear and deeply buried targets;

(D) an assessment of the resources, research and development efforts, and capability options needed to ensure that the United States maintains the ability to perform the assessment required by paragraph (3)(D), and the report shall assess under subparagraph (D)

(3) COVERED REVIEW DEFINED.—In this section, the term ‘covered review’ means any review initiated in 2021 or 2022 by an entity pursuant to an agreement or contract with the Federal Government regarding—

(A) a service life extension program for LGM-30 Minuteman III intercontinental ballistic missiles;

(B) the future of the intercontinental ballistic missile force.
other weapons currently in, or planned to become part of, the United States nuclear weapons stockpile.

SEC. 1521. LIMITATION ON USE OF FUNDS FOR NAVAL NUCLEAR FUEL SYSTEMS BASED ON LOW-ENRICHED URANIUM.

(a) LIMITATIONS.—None of the funds authorized to be appropriated for fiscal year 2023 for the National Nuclear Security Administration for the purposes of conducting research and development on advanced nuclear fuel systems based on low-enriched uranium may be obligated or expended until the following determinations are submitted to the congressional defense committees:

(1) A determination made jointly by the Secretary of Energy and the Secretary of Defense that the determination made jointly by the Secretary of Energy and the Secretary of the Navy pursuant to section 311B(c)(1) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 114–92; 129 Stat. 1196) and submitted to the congressional defense committees on March 25, 2018, that the United States should not pursue the development of an advanced nuclear fuel system based on low-enriched uranium, remains valid.

(2) A determination by the Secretary of the Navy with respect to whether an advanced nuclear fuel system based on low-enriched uranium can be produced that would not reduce vessel capability, increase expenses, or reduce operational availability as a result of refueling requirements.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on activities conducted using amounts made available for fiscal year 2022 for advanced nuclear fuel development, including a description of any progress made toward technological or nonproliferation goals as a result of such activities.

SEC. 1522. FURTHER LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF ANALYSIS OF ALTERNATIVES FOR NEAR-PARALLEL CRUISE MISSILE SYSTEM.

Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Office of the Under Secretary of Defense for Policy, not more than 75 percent may be obligated or expended until the Secretary of Defense submits to the congressional defense committees a report on activities conducted using amounts made available for fiscal year 2022 for advanced nuclear fuel systems development, including a description of any progress made toward technological or nonproliferation goals as a result of such activities.

SEC. 1523. MODIFICATION OF REPORTS ON NUCLEAR POSTURE REVIEW IMPLEMENTATION.

Section 491(c) of title 10, United States Code is amended—

(1) in the heading, by striking “2010” and inserting “2022”;

(2) in the matter preceding paragraph (1)—

(A) by striking “2012 through 2021” and inserting “2022”; and

(B) by striking “2010” and inserting “2022”;

and

(3) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) ensure that the report required by section 492a of this title is transmitted to Congress, if so required under such section.”;

SEC. 1524. MODIFICATION OF REQUIREMENTS FOR PLUTONIUM PIT PRODUCTION CAPACITY PLAN.

(a) NO FUNDING UNTIL REPORT REQUIRED.—Section 4219(c) of the Atomic Energy Defense Act (50 U.S.C. 2538a(c)) is amended—

(1) by striking “that subsection, by” and inserting “subsection (a), which”;

(2) by striking “subsection (a), which” and inserting “subsection (a)”; and

(3) by striking “and inserting “subsection (a), which” and inserting “subsection (a), which”;

(b) PLUTONIUM REQUIREMENTS.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Office of the Under Secretary of Defense for Acquisition and Sustainment, not more than 75 percent may be obligated or expended until the Chairman of the Nuclear Weapons Council submits to the congressional defense committees a report on activities conducted on or after the date of the enactment of this Act, and inserting “2022” after “subsection (a), which”.

SEC. 1525. EXTENSION OF REQUIREMENT TO REPORT ON NAVAL WEAPONS STOCKPILE.

Section 492a(a)(1) of title 10, United States Code, is amended by striking “2024” and inserting “2025”.

SEC. 1526. EXTENSION OF REQUIREMENT FOR ANNUAL ASSESSMENT OF CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.

Section 499(e) of title 10, United States Code, is amended by striking “December 31, 2027” and inserting “December 31, 2032”.

SEC. 1527. EXTENSION OF REQUIREMENT FOR UNCENGERED URANIUM PLAN.

Section 4221(a) of the Atomic Energy Defense Act of Fiscal Year 2015 (Public Law 114–92; 132 Stat. 2294) is amended by striking “2026” and inserting “2030”.

SEC. 1528. EXTENSION OF PIT PRODUCTION ANNUAL CERTIFICATION.

Section 3126(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2294) is amended in the matter preceding paragraph (1) by striking “2025” and inserting “2029”.

SEC. 1529. ELIMINATION OF OBSOLETE REPORTING REQUIREMENTS RELATING TO PLUTONIUM PIT PRODUCTION.


(1) by striking subsections (b), (c), (d), and (g);

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(3) in subsection (b), as so redesignated—

(A) in the matter preceding paragraph (1), by striking “2025” and inserting “2029”; and

(B) by striking “subsection (b)” and inserting “subsection (c)”; and

(4) in subsection (c), as so redesignated, by striking “subsection (c)” each place it appears and inserting “subsection (b)”.

SEC. 1530. TECHNICAL AMENDMENT TO ADDITIONAL REPORT MATTERS ON STRATEGIC DELIVERY SYSTEMS.

Section 495(b) of title 10, United States Code, is amended by striking the matter preceding paragraph (1) by striking “2013” and inserting “2013” after “subsection (c)”, and inserting “2024 of this title”. and the United States Nuclear Weapons Council shall notify the congressional defense committees whether the Administration has provided the Nuclear Weapons Council with sufficient information to develop the plan required by paragraph (1); and

(2) by striking “2012” and inserting “2022”;

and

(3) by striking “2011” and inserting “2021”;

and

(4) in paragraph (1) and inserting the following new paragraph (1):

“(1) ensure that the report required by section 495a(b) of this title is transmitted to Congress, if so required under such section.”;

SEC. 1542. MIDDLE EAST INTEGRATED AIR AND MISSILE DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall conduct an analysis of the extent to which the United States and its allies and partners in the Middle East to identify an architecture and development an acquisition approach for the countries specified in subsection (b) to build a missile defense capability to protect the people, infrastructure, and territory of such countries from cruise and ballistic missiles, manned and unmanned aerial systems, and rocket attacks from Iran and groups linked to Iran.

(b) COUNTRIES SPECIFIED.—The countries specified in this subsection are as follows:

(1) Countries of the Gulf Cooperation Council.

(2) Iraq.

(3) Israel.

(4) Jordan.

(5) Egypt.

(6) Such other regional allies or partners of the United States as the Secretary may identify.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a strategy on cooperation with allies and partners in the Middle East to develop an acquisition approach for the countries specified in subsection (b) to implement an integrated air and missile defense capability to protect the people, infrastructure, and territory of such countries from cruise and ballistic missiles, manned and unmanned aerial systems, and rocket attacks from Iran and groups linked to Iran.

(2) CONTENTS.—The strategy submitted under paragraph (1) shall include the following:

(A) An assessment of the threat of ballistic and cruise missiles, manned and unmanned aerial systems, and rocket attacks from Iran and groups linked to Iran to the countries specified in subsection (b)

(B) A description of current efforts to coordinate with the countries specified in subsection (b) to integrate air and missile defense architecture in the region covered by the countries specified in subsection (b)

(C) A description of current systems to defend against attacks in coordination with the countries specified in subsection (b)

(D) An explanation of how an integrated air and missile defense architecture would integrate the collective security in the region covered by the countries specified in subsection (b)
Section 1668 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—

(I) Recommendations for improvements in the implementation of the strategy based on the metrics identified under paragraph (4).

(II) The most recent adjusted or revised acquisition baseline for such program element or major subprogram under subsection (d).

(III) The elements referred to in paragraph (2) that are the basis for the funding plan described in subsection (c).

(IV) Any acquisition baseline resulting from adjustments or revisions to the original acquisition baseline shall be considered the original acquisition baseline for the purposes of reporting under this section.

(V) Any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

SEC. 1544. BIANNUAL BRIEFING ON MISSILE DEFENSE AND RELATED ACTIVITIES.

(a) In General.—The Secretary shall—

(1) in subsection (b), by striking “at least 20” and inserting “no fewer than 64”;

(2) in subsection (b), by striking “fiscal year 2023” and inserting “fiscal year 2024”;

(b) The Assistant Secretary of Defense for Acquisition Oversight Council;''

and

(III) the most recent adjusted or revised acquisition baseline;

(IV) any acquisition baseline resulting from adjustments or revisions to the original acquisition baseline shall be considered the original acquisition baseline for the purposes of reporting under this section.

(V) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(6) in subclause (II), by striking “Director” and inserting “Secretary of Defense”;

(7) by paragraph (2), by striking “Director” and inserting “Secretary of Defense”;

(8) (A) a citation to the source (such as a line).''

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation.''

SEC. 1545. IMPROVING ACQUISITION ACCOUNT.—

(a) In general.—Section 225 of title 10, United States Code, is amended—

(b) in paragraph (2), by striking “Director” and inserting “Secretary of Defense”;

(c) in subparagraph (B)(i)—

(2) in subsection (c)(2), by inserting “Director” and inserting “Secretary of Defense”;

(3) in subsection (c)(3), by striking “Director” and inserting “Secretary of Defense”;

(4)(A) a citation to the source (such as a line);''

and

(II) by striking “Director” and inserting “Secretary of Defense”;

(iii) any acquisition baseline resulting from adjustments or revisions to the original acquisition baseline shall be considered the original acquisition baseline for the purposes of reporting under this section.

(ii) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(A) in paragraph (1), by striking “” and inserting “; and”;

(B) by paragraph (2), by striking the period at the end and inserting a semicolon;

and

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

(1) the date the source was prepared; and

(2) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

section (b) shall be designated as special interest acquisition category 1D program and shall be managed as consistent with Department of Defense Instruction 5000.58 “Major Capability Acquisition and Development Processes.”

(d) REPORT.—Concurrent with the submittal of each budget of the President under section 1105(a) of title 31, United States Code, the individual designated under subsection (a) shall submit to the congressional defense committees a report on the actions taken by the individual designated under subsection (a) to carry out the duties set forth under subsection (b).

(e) TERMINATION.—Subsections (a) and (d) shall terminate on the date that is three years after the date on which the individual designated under subsection (a) determines that the integrated missile defense system described in paragraph (1) is no longer required, and has achieved initial operational capability.

SEC. 1544. MODIFICATION OF PROVISION REQUIRING FUNDING PLAN FOR NEXT GENERATION INTERCEPTORS FOR MISSILE DEFENSE OF UNITED STATES HOMELAND.

The term ‘original acquisition baseline’ means the first acquisition baseline created.

(ii) an explanation for why a program element or major subprogram under subsection (d) is not being considered for funding.

(iii) any acquisition baseline resulting from adjustments or revisions to the original acquisition baseline shall be considered the original acquisition baseline for the purposes of reporting under this section.

(iv) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

SEC. 1546. IMPROVING ACQUISITION ACCOUNT.—

(a) In general.—Section 225 of title 10, United States Code, is amended—

(b) in paragraph (2), by striking “Director” and inserting “Secretary of Defense”;

(c) in subparagraph (B)(i)—

(2) in subsection (c)(2), by inserting “Director” and inserting “Secretary of Defense”;

(3) in subsection (c)(3), by striking “Director” and inserting “Secretary of Defense”;

(4)(A) a citation to the source (such as a line);

(ii) any acquisition baseline resulting from adjustments or revisions to the original acquisition baseline shall be considered the original acquisition baseline for the purposes of reporting under this section.

(iii) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(A) in paragraph (1), by striking “” and inserting “; and”;

(B) by paragraph (2), by striking the period at the end and inserting a semicolon;

and

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

(1) the date the source was prepared; and

(2) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.

(II) the Joint Chiefs of Staff or Joint Requirements Oversight Council;''

and

(III) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation;''

and

(IV) any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.
of future efforts without an established ac-
quisition baseline, and any costs under the re-
sponsibility of a military department or oth-
er Department entity.

SEC. 1547. IRON DOME SHORT-RANGE ROCKET
DEFENSE SYSTEM AND ISRAELI CO-
OPERATIVE MISSILE DEFENSE PRO-
GRAM CO-PRODUCTION 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 2023 for procurement, Defense-
wide, and available for the Missile Defense Agency, not more than $80,000,000 may be provided to the Government of Israel to pro-
cure components for the Iron Dome short-
ranger defense system through co-pro-
duction of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in par-
agraph (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 De-
fense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Pro-
curement, signed on March 5, 2014, as amend-
ed to include co-production for Tamir inter-
ceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds as-
scribed in paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congres-
sional committees—

(i) a certification that the amended bilat-
eral international agreement specified in subparagraph (A) is being implemented as provided for therein;

(ii) an assessment detailing any risks re-
lating to the implementation of such agree-
ment; and

(iii) for system improvements resulting in modified Iron Dome components and Tamir interceptor sub-components, a certification that the Government of Israel has demon-
strated successful completion of Production Readiness Reviews, including the vali-
dation of production lines, the verification of component conformance, and the verification of equivalence to specific design as defined in the Iron Dome Defense System Procurement Agreement, as further amend-
ed.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE
PROGRAM, DAVID'S SLING WEAPON SYST-
EM CO-PRODUCTION.

(1) IN GENERAL.—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2023 for procurement, Defense-
wide, and available for the Missile Defense Agency not more than $90,000,000 may be pro-
vided 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.

(2) AGREEMENT.—Provision of funds spec-
ified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-pro-
duction 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 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 appro-
priate congressional committees—

(A) a certification that the Government of Israel has demonstrated the successful com-
pletion of the knowledge points, technical milestones, and Production Readiness Re-
views required for co-production of parts and components, and the bilateral co-
production agreement for the David's Sling Weapon System; and

(B) an assessment addressing any risks re-
lating to the implementation of such agree-
ment.

(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 2023 for procurement, Defense-
wide, and available for the Missile Defense Agency not more than $80,000,000 may be pro-
vided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, in-
cluding for co-production of parts and com-
ponents in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congres-
sional committees a certification that—

(A) the Government of Israel has demon-
strated 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 Inter-
ceptor 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); and

(C) the United States has entered into a bi-
lateral 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 com-
ponents on the basis of the greatest prac-
ticable 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 require-
ment of Israel for the number of interceptors and batteries that will be procured, includ-
ing with respect to the acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components, and all-up rounds (if appropriate) by United States industry for the Arrow 3 Upper Tier Interceptor Program;

(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.

(3) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of sub-
section (c), the Under Secretary may sub-
mit—

(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 respec-
tive system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense commit-
tees the certification and assessments under subsection (b)(3) and the certification under subsection (c)(2) no later than 30 days before the funds specified in paragraph (1) of sub-
section (b) are obligated by the Office of the Secretary of Defense; and the certifications under section 1547(c)(2) are covered by the certification are provided to the Government of Israel.

(f) APPROPRIATE CONGRESSIONAL COMMIT-
TEES 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. 1548. MAKING PERMANENT PROHIBITIONS
RELATING TO MISSILE DEFENSE IN-
FORMATION AND SYSTEMS.

Section 130h of title 10, United States Code, is amended by striking subsection (e).

SEC. 1549. LIMITATION ON USE OF FUNDS
UNTIL MISSILE DEFENSE DESIGNATIONS
HAVE BEEN INVADED.

Of the funds authorized to be appropriated by this Act for fiscal year 2023 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of De-
fense, not more than 90 percent may be obli-
gated or expended until the date on which the Secretary notifies the congressional de-
fense committees that designations required by section 108(e) of the National Defense Authorization Act for Fiscal Year 2017 (Pub-
lic Law 114-328) have been made.

Subtitle D—Other Matters

SEC. 1551. INTEGRATION OF ELECTRONIC WAR-
FARE INTO TIER 1 AND TIER 2 JOINT
TRAINING EXERCISES.

(a) IN GENERAL.—During fiscal years 2023 through 2027, the Chairman of the Joint Chiefs of Staff shall integrate offensive and defensive electronic warfare capabilities be integrated into Tier 1 and Tier 2 joint training exercises.

(b) REQUIREMENT TO INCLUDE OPPORTUNE-
force.—The Chairman shall require exer-
cises conducted under subsection (a) to in-
clude electronic warfare based on a cur-
current intelligence assessment of the elec-
tronic warfare order of battle and capabili-
ties of an adversary.

(c) WAIVER.—The Chairman may waive the requirement under subsection (a) with re-
spect to an exercise if the Chairman deter-
names that—

(1) the exercise does not require—

(A) a demonstration of electronic warfare capabilities; or

(B) a militarily significant threat from electronic warfare attack; or

(2) the integration of offensive and defen-
sive electronic warfare capabilities into the exercise is cost prohibitive or not tech-
nically feasible based on the overall goals of the exercise.

(d) BRIEFING REQUIRED.—Concurrent with the submission of the budget of the Presi-
dent to Congress pursuant to section 1105(a) of title 31, United States Code, for fiscal years 2023 through 2027, the Chairman shall provide to the congressional defense commit-
tee a briefing on exercises conducted under subsection (a) that includes—

(1) a description of such exercises planned and included in the budget submission for that fiscal year; and

(2) the results of each such exercise con-
ducted in the preceding fiscal year, includ-
ing—

(A) the extent to which offensive and defen-
sive electronic warfare capabilities were integrated into the exercise;

(B) an evaluation and assessment of the ex-
ercise to determine the impact of the adver-
sary on the participants in the exercise, in-
cluding—

(i) joint lessons learned; and

(ii) high interest training issues; and

(iii) high interest training requirements; and

(C) whether offensive and defensive elec-
tronic warfare capabilities were inte-
grated into the exercise.

(e) APPROPRIATE CONGRESSIONAL COMMIT-
TEES DEFINED.—In this section:

(1) The congressional defense committees.

(2) The Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.
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(e) DEFINITIONS.—In this section:

(1) Joint Fires.—The term ‘‘Joint fires’’ has the meaning of that term as used in the publication of the Joint Staff entitled, ‘‘In- sight: Joint Fires Focus on Joint Integration and Synchronization of Joint Fires’’, and dated July 2018.

(2) Tier 1, Tier 2.—The term ‘‘Tier 1’’ and ‘‘Tier 2’’, with respect to joint training exercises, have the meanings given those terms in the Joint Training Manual for the Armed Forces of the United States (Document No. CJCSM 3500.03E), dated April 20, 2015.

SEC. 1552. RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.


(1) by striking paragraphs (1) and (2); and

(2) by inserting the following new paragraph (1):

‘‘(1) REPORT REQUIRED.—(A) Not later than March 31, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate alignment of electromagnetic spectrum operations responsibilities and functions.

‘‘(B) CONSIDERATIONS.—In developing the report required by subparagraph (A), the Secretary shall consider the following:

‘‘(i) the extent to which the electromagnetic spectrum operations organization should have unitary structure or hybrid structure (in which operational and capability development and direction are headed by separate organizations);

‘‘(C) The resources required to fulfill the specified responsibilities and functions;’’.

(3) by redesigning paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(4) in the subsection heading, by inserting ‘‘REPORTS AND PLANS CONCERNING’’ before ‘‘TRANSFER’’.

SEC. 1553. EXTENSION OF AUTHORIZATION FOR PROTECTION OF CERTAIN FACILITIES AND IMPLANTMENTS FROM UNMANNED AIRCRAFT.

Section 1301(i) of title 10, United States Code, is amended by striking ‘‘2022’’ both places it appears and inserting ‘‘2026’’.

SEC. 1554. DEPARTMENT OF DEFENSE SUPPORT REQUIREMENTS FOR THE WHITE HOUSE MILITARY OFFICE.

(a) MEMBERSHIP ON COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, COMMUNICATIONS, AND CYBER NETWORK INFRASTRUCTURE.

Section 711a(b) of title 10, United States Code, is amended by—

(1) redesigning paragraph (7) as paragraph (6); and

(2) inserting after paragraph (6) the following new paragraph (7):

‘‘(7) The Director of the White House Military Office.’’;

(b) ACQUISITION PORTFOLIO MANAGER.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall designate a senior official to oversee, coordinate, and advocate for the portfolio of Department of Defense acquisitions in support of requirements of the White House Military Office.

(c) ACCESSIBILITY OF INFORMATION.—The programmatic and budgetary information required to assess the efficacy of Department of Defense acquisitions supporting requirements of the White House Military Office shall be provided to the senior official designated under subsection (b) by the following officials:

(1) The Secretary of each military department.

(2) The Under Secretary of Defense for Policy.

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

(4) The Chairman of the Joint Chiefs of Staff.

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

(d) ANNUAL REPORT.—Not later than 30 days after the date on which the President submits to Congress a budget for each of fiscal years 2024 through 2027 pursuant to section 110d(a) of title 31, United States Code, the Under Secretary of Defense for Acquisition and Sustainment and the Director of the White House Military Office shall jointly brief the congressional defense committees on acquisition programs, plans, and other activities supporting the requirements of the White House Military Office.

TITLE XVI—DEFENSE-RELATED MATTERS

Subtitle A—Matters Relating to Cyber Operations and Cyber Forces

SEC. 1601. ANNUAL ASSESSMENTS AND REPORTS ON ASSIGNMENT OF CERTAIN BUDGET CONTROL RESPONSIBILITY TO COMMANDER OF UNITED STATES CYBER COMMAND.

(a) ANNUAL ASSESSMENTS.—

(1) IN GENERAL.—In general, in fiscal year 2023 and not less frequently than once each fiscal year thereafter through fiscal year 2028, the Commander of United States Cyber Command, in coordination with the Principal Cyber Advisor of the Department of Defense, shall assess the implementation of responsibilities assigned to the Commander by section 1507(a)(1) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81).

(2) ELEMENTS.—Each assessment carried out under paragraph (1) shall include the following:

(A) Assessment of the operational and organizational effect of the transition on the training, equipping, operation, sustainment, and readiness of the Cyber Mission Forces.

(B) Development of a description of the cyber systems, activities, capabilities, resources, and functions that have been transferred from the military departments to control of the Commander and those that have not been transitioned.

(C) Formulation of an opinion by the Commander as to whether the cyber systems, activities, capabilities, resources, and functions that have not been transitioned should be transitioned.

(D) Assessment of the adequacy of resources, authorities, policies, and personnel required to implement the transition, including organizational, functional, and personnel matters.

(E) Assessment of reliance on resources, authorities, policies, or personnel external to the Department of Defense in support of the Commander.

(F) Identification of any outstanding areas for transition.

(G) Such other matters as the Commander considers appropriate.

(b) ANNUAL REPORTS.—For each fiscal year in which an assessment under subsection (a)(1), the Commander shall, not later than 90 days after the end of such fiscal year, submit to the Committees on Armed Services and the Committee on Armed Services of the House of Representatives a report on the findings of the Commander with respect to such assessment.

SEC. 1602. ALIGNMENT OF DEPARTMENT OF DEFENSE CYBER INTERNATIONAL STRATEGY WITH NATIONAL DEFENSE STRATEGY AND DEPARTMENT OF DEFENSE CYBER STRATEGY.

(a) ALIGNMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Policy and in coordination with the Commander of United States Cyber Command, the Under Secretary of the Joint Staff, and the commanders of geographic combatant commands, undertake efforts to align the Department of Defense cybersecurity cooperation with foreign partners on cyber-space operational partnerships with the National Defense Strategy, Department of Defense Cyber Strategy, and the 2019 Department of Defense International Cyberspace Security Cooperation Guidance.

(b) ELEMENTS.—The alignment efforts required by subsection (a) shall include the following efforts within the Department of Defense:

(1) Efforts to build the Department’s internal capacity to support international engagement with allies and partners.

(2) Efforts to coordinate and align cyber-space operations with foreign partners, including alignment of joint cyber-space operations and other cyber international strategy activities conducted by the Department, including identification of processes, working groups, and mechanisms for international coordination between geographic combatant commands and United States Cyber Command.

(3) Efforts to deliberately cultivate operational and intelligence-sharing partnerships with key allies and partners to advance the cyberspace operations objectives of the Department.

(4) Efforts to identify key allied and partner networks, infrastructure, and systems that the Joint Force will rely upon for warfighting and to:

(A) Support the cybersecurity and cyber defense of those networks, infrastructure, and systems;

(B) Build partner capacity to actively defend those networks, infrastructure, and systems;

(C) Eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems, such as identified through hunt forward operations; and

(D) Leverage United States commercial and military cyber-intelligence sharing partnerships and other cyber international strategy activities conducted by the Department, including identification of processes, working groups, and mechanisms for international coordination between geographic combatant commands and United States Cyber Command.

(c) ORGANIZATION.—The Under Secretary of Defense for Policy shall lead efforts to implement this section.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act.
and not less frequently than once each fiscal year until September 30, 2025, the Under Secretary of Defense for Policy shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives annual briefings on the implementation of this section.

(2) CONTENTS.—The briefing required by paragraph (1) shall include the following:

(A) An overview of efforts undertaken pursuant to this section;

(B) An accounting of all the Department’s security cooperation activities germane to cyberspace and changes made pursuant to implementing this section;

(C) A detailed schedule with target milestones and required expenditures for all planned activities related to the efforts described in subsection (b);

(D) Interim and final metrics for building the cyberspace security cooperation enterprise of the Department;

(E) A detailed schedule of additional funding, authorities, and policies, as the Under Secretary determines may be required.

(F) Such recommendations as the Under Secretary determines may have for legislative action to improve the effectiveness of cyberspace security cooperation activities of the Department with foreign partners that align with the objectives of this Act and not less frequently than once each year, from January 1 of each year, the Under Secretary of Defense for Policy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report summarizing the cyber international strategy activities of the Department, including within the cyberspace cooperation enterprise of the Department and the cyber operational partnerships of the Department.

SEC. 1603. CORRECTING CYBER MISSION FORCE READINESS SHORTFALLS.

(a) PLAN AND BRIEFING REQUIRED.—Not later than 180 days after the enactment of this Act, the Under Secretary of Defense for Intelligence and Security and the Chairman shall jointly—

(1) develop a plan to correct readiness shortfalls in the Cyber Mission Forces;

(2) develop recommendations for such legislative action as the Secretary and the Chairman shall consider appropriate to correct the readiness shortfalls described in paragraph (1); and

(3) provide the congressional defense committees with the plan developed under paragraph (1) and the recommendations developed under paragraph (2).

(b) IMPLEMENTATION.—Not later than 30 days after the date of the briefing provided under paragraph (3) of subsection (a), the Secretary and the Chairman shall commence implementation of the plan described in subsection (a) of such subsection that are not dependent upon legislative action.

(c) MATTERS TO BE ADDRESSED.—In developing the plan, the Secretary and the Chairman shall consider and explicitly address through analysis the following potential courses of action and in coordination, to increase the availability of personnel in key work roles:

(1) Developing the correct number of personnel necessary to fill key work roles, including the proper force mix of civilian, military, and contractor personnel, and the means necessary to meet those requirements.

(2) Employing civilians rather than military personnel in key work roles.

(3) Expanding the acquisition capacity.

(4) Modifying or creating new training models.

(5) Maximizing use of compensation and incentive authorities, including increasing bonuses and special pays, and alternative compensation mechanisms.

(6) Modifying existing paths and service policies to permit consecutive assignments in key work roles without jeopardizing promotion opportunities.

(7) Increasing service commitments following training commensurate with the value of the key work role training.

(8) Standardizing compensation models across the Department.

(9) Requiring multiple rotations within the Cyber Mission Forces for key work roles.

(10) Adopting and implementing what are known as ‘‘rank in person’’ policies that enable civilian personnel to be promoted on the basis of skills and abilities demonstrated in a given position.

(d) KEY ROLES DEFINED.—In this section, the term ‘‘key work roles’’ means work roles that consist of access development, tool development, and exploitation analysis.

SEC. 1604. CYBERSECURITY COOPERATION TRAINING AT JOINT MILITARY ATTACHE´ SCHOOL.

(a) REFERENCE TO ATTACHE´ TRAINING.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security and the Commander of the United States Cyber Command, in coordination with the Under Secretary of Defense for Policy, refine and expand current cybersecurity cooperation training at the Joint Military Attache´ School.

(b) ELEMENTS.—The cybersecurity cooperation training developed under subsection (a) shall include the following:

(1) An overview of the different purposes of cyberspace engagements with partners and allies of the United States, including cybersecurity, mission assurance, and operations.

(2) An overview of the types of cybersecurity cooperation available for partners and allies of the United States, including bilateral and multilateral cyberspace engagements, information and intelligence sharing, training, and exercises.

(3) An overview of the United States Cyber Command cyberspace operations with partners, including an overview of the Hunt Forward mission and process.

(4) Description of roles and responsibilities of United States Cyber Command, the geographic combatant commands, and the Defense Security Cooperation Agency for cybersecurity cooperation within the Department of Defense.

(5) Such other matters as the Under Secretary of Defense for Intelligence and Security, in cooperation with the Under Secretary of Defense for Policy and the Commander of United States Cyber Command, consider appropriate.

(c) REQUIREMENTS FOR DECONFLICT AND COORDINATION.—The Secretary and the Chairman shall, in consultation with the geographic combatant commanders, the Commander of United States Cyber Command, and the Commander of Strategic Command, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report summarizing the interdepartmental, interagency, and interagency interactions ongoing within the Department of Defense, including special access programs and other relevant programs, activities, and capabilities ongoing within the Department of Defense, including special access programs and other relevant programs, activities, and capabilities.

(d) RECOMMENDATIONS FOR DECONFLICT AND COORDINATION.—In parallel and in coordination with the development of the strategy required by paragraph (1), the Deputy Secretary shall ensure that the strategy development includes recommendations for legislative action as the Secretary and the Chairman shall consider appropriate.

(e) ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Under Secretary of Defense for Intelligence and Security shall, in coordination with the Commander of Strategic Command, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report summarizing the cyber international strategy activities of the Department, including within the cyberspace cooperation enterprise of the Department and the cyber operational partnerships of the Department.

SEC. 1605. STRATEGY, FORCE, AND CAPABILITY DEVELOPMENT FOR CYBER EF- FRITS AND SECURITY IN SUPPORT OF OPERATIONAL FORCES.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—The Deputy Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff and in consultation with the Director of National Intelligence, develop a strategy for converged cyber and electronic warfare operations conducted by the Department and cyber intelligence and intelligence assets operating in the radio-frequency domain to provide strategic, operational, and tactical effects in support of convergent command and control.

(2) MEANS.—The strategy developed under paragraph (1) shall specify means for supporting the strategy that include apertures that provide ground-based, airborne, and sea-based.

(b) TARGETS.—The strategy developed under paragraph (1) may specify targets of the strategy that include the range of electronic systems embedded in adversary space-based, airborne, ground-based, and maritime forces.

(c) ACCESS TO INFORMATION.—In developing the strategy required by paragraph (1), the Deputy Secretary shall ensure that the strategy development includes recommendations for legislative action as the Secretary and the Chairman shall consider appropriate.

(d) RECOMMENDATIONS FOR CYBER CAPABILITY DEVELOPMENT AND TRANSITION PROCESSES.—The Deputy Secretary shall identify, designate, and create organizational constructs and processes to continuously generate and deliver cyber and converged cyber and electronic warfare capabilities into the Cyber Mission Forces, service-retained cyber forces, and other appropriate plans and systems.

(e) REQUIREMENTS FOR CYBER SECURITY.—In developing the strategy required by paragraph (1), the Deputy Secretary shall ensure that the strategy development includes recommendations for legislative action as the Secretary and the Chairman shall consider appropriate.

(f) IMPLEMENTATION.—The Secretary and the Chairman shall, in coordination with the geographic combatant commanders, the Commander of United States Cyber Command, and the Commander of Strategic Command, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report summarizing the cyber international strategy activities of the Department, including within the cyberspace cooperation enterprise of the Department and the cyber operational partnerships of the Department.

(1) To defend deployed information technology and operational technology networks, including system command and control nodes, tactical data networks, and weapon platforms and systems;

(2) To conduct offensive actions to achieve effects against adversary weapons systems, platforms, sensor systems, and tactical and operational command and control networks and communications systems; and

(3) To develop the capability to satisfy requirements, strategy, and requisite data flows to support converged cyber and electronic warfare operations.

(g) CYBER SECURITY DEVELOPMENT AND TRANSITION PROCESSES.—The Deputy Secretary shall identify, designate, and create organizational constructs and processes to continuously generate and deliver cyber and converged cyber and electronic warfare capabilities into the Cyber Mission Forces, service-retained cyber forces, and other appropriate plans and systems.
technology networks, and weapon platforms and systems operating in or from space, air, ground, and maritime domains.

(e) BRIEFING REQUIRED.—Not later than one year after the date of the enactment of this Act, the Deputy Secretary shall brief the congressional defense committees and the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) on the status of the implementation of this section.

SEC. 1606. TOTAL FORCE GENERATION FOR THE CYBERSPACE OPERATIONS FORCES.

(a) STUDY.—

(1) IN GENERAL.—Not later than June 1, 2024, the Secretary of Defense shall complete a study on the responsibilities of the military services for organizing, training, and presenting the total force to United States Cyber Command.

(2) ELEMENTS.—The study required by paragraph (1) shall assess the following:

(A) Which military services should organize, train, and equip civilian assets and military Cyberspace Operations Forces for assignment, allocation, and apportionment to United States Cyber Command.

(B) Sufficiency of the military service access and training model to provide forces to the Cyberspace Operations Forces, as well as the augmentation and personnel resourcing of the supporting command and control staffs necessary as a component to United States Cyber Command.

(C) The organization of the Cyberspace Operations Forces and whether the total forces or elements of the forces function best as a collection of independent teams or through a different model.

(D) Under-represented work roles or skills within the Cyberspace Operations Forces, including additional work roles or skills required to enable infrastructure management and access generation.

(E) What unique or training-intensive expertise is required by each of the work roles and whether native talents to master unique and training-intensive work roles can be identified and how personnel with those talents can be developed, retained, and employed across the active and reserve components.

(F) The appropriate pay scales, rotation or force structure, career paths, progression, expertise-based grading, talent management practices, and training for each of those work roles, given expected operational requirements.

(G) Whether a single military service should be responsible for basic, intermediate, and advanced training for the Cyberspace Operations Forces, or at a minimum for the Cyber Mission Force.

(H) The level of training required before an individual should be assigned, allocated, or apportioned to United States Cyber Command.

(I) Whether or how the duties of the Director of the National Security Agency and the duties of United States Cyber Command, resting with a single individual, enable each respective organization, and whether technical directors and intelligence expertise in the National Security Agency should serve rotations in the Cyberspace Operations Forces.

(J) How nonmilitary personnel, such as civilian employees, contractors, experts, commercial partners, and domain or technology-specific experts in industry or the intelligence community can augment or support the Cyberspace Operations Forces.

(K) What work roles in the Cyberspace Operations Forces can only be filled by military personnel, which work roles can be filled by military personnel or civilians, and which work roles should be filled partially or fully by civilians due to the need for longevity of service to achieve required skill levels or retention rates.

(L) How specialized cyber experience, developed and maintained in the reserve components, can be leveraged, or support the Cyberspace Operations Forces through innovative force generation models.

(M) Whether the Department of Defense should create a new service to organize, train, and equip the Cyberspace Operations Forces or at a minimum the Cyber Mission Force.

(N) What resources, including billets, are required to account for any recommended changes.

(b) DUTY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act and not less frequently than once every three years thereafter until receipt of the plan required by subsection (d), the Secretary shall submit to the congressional defense committees an implementation plan for effecting the total force generation model established or revised under subsection (c).

(e) PROGRESS BRIEFING.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once every six months thereafter until receipt of the plan required by subsection (d), the Secretary shall ensure that subsections (a) through (c) are carried out with consideration to matters relating to the following:

(I) The cybersecurity service providers, local defenders, and information technology personnel who own, operate, and defend the information networks of the Department of Defense.

(II) Equipping the Cyberspace Operations Forces to include infrastructure management.

(III) Providing intelligence support to the Cyberspace Operations Forces.

(IV) The resources, including billets, needed to account for any recommended changes.

SEC. 1607. MANAGEMENT AND OVERSIGHT OF JOINT CYBER WARFIGHTING ARCHITECTURE.

(a) ESTABLISHMENT OF PROGRAM EXECUTIVE OFFICE.—The Deputy Secretary of Defense shall in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the Commander of United States Cyber Command, establish a program executive office (in this section referred to as the ‘‘Office’’) to manage and provide oversight of the implementation and integration of the Joint Cyber Warfighting Architecture and its service-unique service providers, the Joint Cyber Warfighting Architecture and the components of the Architecture.

(b) INDEPENDENCE OF OFFICE.—

(1) IN GENERAL.—The Deputy Secretary shall establish the Office outside of a military service.

(2) HEAD OF OFFICE.—The Deputy Secretary shall appoint the head of the Office and the head of the Office shall report to the Under Secretary and the Commander.

(c) CHIEF ARCHITECT AND SYSTEMS ENGINEER.—The Deputy Secretary shall ensure that the Office includes a chief architect and a systems engineer to provide the management and oversight described in subsection (a).

(d) APPOINTMENT OF EXPERTS.—The Deputy Secretary shall appoint to the Office personnel from organizations with relevant and high levels of technical and operational expertise, including the following:

(I) The Capabilities Directorate of the National Security Agency.


(III) The Strategic Capabilities Office.


(V) The Air Force Research Laboratory.

(VI) The Office of Special Projects in the Navy.

(e) BUDGET EXECUTION CONTROL.—The head of the Office shall exercise budget execution control.
control over component programs of the Architecture that are subject to the responsibilities assigned to the Commander by section 1507 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 167b note).

(f) COMPLIANCE WITH DIRECTION.—The program managers of the components of the Architecture shall comply with direction from the head of the Office, without intermediary communications from the Commander or the Under Secretary to the senior acquisition executive on the relevant military service.

(g) COORDINATION.—The Director of the Defense Advanced Research Projects Agency shall coordinate closely with the head of the Office in planning and executing the constellation program via transactions under section 4021 of title 10, United States Code, between the Agency and the companies executing the components of the Architecture to create an effective framework and pipeline system for transitioning cyber applications for operational use from the Agency and other sources.

(h) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the head of the Office of the Secretary of Defense shall provide the relevant military service the Principal Cyber Advisor with the temporary chair of the following:

(i) An independent review conducted under paragraph (1) shall include an assessment of:

(1) IN GENERAL.—The Principal Cyber Advisor shall conduct a study to determine the optimal strategy for structuring and manning elements of the following:

(A) Joint Force Headquarters Cyber Organizations.

(B) Joint Mission Operations Centers.


(D) Joint Cyber Centers.

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

(A) Operational effects on the military services if each of the entities listed in subparagraphs (A) through (C) of paragraph (1) are realigned, restructured, or consolidated.

(B) Organizational effects on the military services if the billets associated with each of the entities listed in subparagraphs (A) through (C) of paragraph (1) are transferred to United States Cyber Command and designated as joint billets for joint qualification purposes.

(C) Operational and organizational effects on the military services, United States Cyber Command, other combatant commands, and Joint Staff if the entities listed in subparagraphs (A) through (D) of paragraph (1) are realigned, restructured, or consolidated.

(D) Operational and organizational effects and advisement of standardizing a minimum set of roles and responsibilities of the Joint Cyber Centers, or the equivalent entity, of the combatant commands.

(E) Clarification of the relationship and differentiation between Cyber Operations–Integrated Planning Elements and Joint Cyber Centers of the military services.

(F) A description of mission essential tasks for the entities listed in subparagraphs (A) through (D) of paragraph (1).

(G) A description of activities in geographic and functional combatant command campaign plans and resources aligned to those activities.

(ii) An independent review conducted under paragraph (1) shall include an assessment of:

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 120 days after March 31, 2024, the Principal Cyber Advisor shall provide to the Secretary of Defense the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall contain the following:

(A) The findings of the Principal Cyber Advisor with respect to the study conducted under subsection (a).

(B) Details of the operational and organizational effects assessed under subsection (a)(2).

(C) A plan to carry out the transfer described in subsection (a)(2)(B) and the associated costs, as appropriate.

(D) A plan to realign, restructure, or consolidate the entities listed in subparagraphs (A) through (D) of paragraph (1).

(iii) Such other matters as the Principal Cyber Advisor considers appropriate.

(iii) An independent review conducted under paragraph (2) shall include an assessment of:

(1) The efficacy of the system integration and systems engineering efforts and governance structures of the Architecture.

(2) The acquisition model of the activities comprising the Architecture, including recommendations for expanded use of Budget Activity 8 (BA–8) authorities.

(3) The pipeline for rapidly developing and incorporating new capabilities to respond to the rapidly-evolving cyber threat environment.

(iv) Such other matters as the Deputy Secretary considers appropriate.

(j) APPROPRIATE THIRD-PARTY.—For purposes of this subsection, an appropriate third-party is a person who—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has such expertise and objectivity as the Deputy Secretary considers appropriate to carry out the independent review under paragraph (2).

SEC. 1608. STUDY TO DETERMINE THE OPTIMAL STRATEGY FOR STRUCTURING AND MANAGING ELEMENTS OF THE JOINT FORCE HEADQUARTERS–CYBER ORGANIZATIONS, JOINT MISSION OPERATIONS, AND CYBER OPERATIONS–INTEGRATED PLANNING ELEMENTS.

(a) STUDY.—The Principal Cyber Advisor of the Department of Defense shall conduct a study to determine the optimal strategy for structuring and manning elements of the following:

(i) Joint Force Headquarters Cyber Organizations.

(ii) Joint Mission Operations Centers.


(iv) Joint Cyber Centers.

(b) REPORT.—The study conducted under paragraph (1) shall include the following:

(1) In general.—Not later than March 1, 2023, and not less frequently than once each year thereafter until March 1, 2028, the Secretary of Defense shall provide the congressional defense committees a briefing on the relationship between the National Security Agency and United States Cyber Command.

(2) Elements.—Each briefing provided under subsection (a) shall include an assessment of the following:

(A) The resources, authorities, activities, missions, facilities, personnel, and other elements used to conduct the relevant missions at the National Security Agency as well as the cyber offense and defense missions of United States Cyber Command.

(B) The processes used to manage risk, balance tradeoffs, and work with partners to execute operations.

(C) An assessment of the operational environment and the continuous need to balance tradeoffs to meet mission necessity and effectiveness.

(D) An assessment of the operational effects resulting from the relationship between the National Security Agency and United States Cyber Command, including a list of specific operations conducted over the previous year that were enabled by or benefited from the relationship.

(e) Such other topics as the Director of the National Security Agency and the Commander of United States Cyber Command may consider appropriate.

SEC. 1610. REVIEW OF CERTAIN CYBER OPERATIONS PERSONNEL POLICIES.

(a) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall require the Secretary of the military department and the Commander of United States Cyber Command to complete a review of, and appropriately update, departmental guidance and processes consistent with section 167(b)(2)(B) of title 10, United States Code, with respect to authority of the Commander to monitor the promotions of certain cyber operations forces and coordinate with the Secretary of Defense regarding the assignment, retention, training, professional military education, and special and incentive pays of certain cyber operations forces.

(b) ELEMENTS OF REVIEW.—The review and appropriate updates to departmental guidance and processes required under subsection (a) shall address the respective roles of the military departments and United States Cyber Command with respect to the following:

(1) The recruiting, retention, professional military education, and promotion of certain cyber operations personnel.

(2) The sharing of personnel data between the military departments and United States Cyber Command.

(3) Structures, departmental guidance, and processes developed between the military departments and United States Cyber Command.

(4) Structures, departmental guidance, and processes developed between the military departments and United States Special Operations Command.

(5) Structures and processes developed between the military departments and United States Special Operations Command.

(c) REPORT REQUIRED.—Not later than 90 days after the date of which the Secretary of Defense receives a report on the findings of the Secretary of Defense, the Secretary of Defense shall submit a report to the congressional defense committees on the findings of the Secretary of Defense.
SEC. 1611. MILITARY CYBERSECURITY COOPERATION WITH KINGDOM OF JORDAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Policy, in coordination with the Commander of United States Central Command, the Secretary of State, and the Ministry of Defence of the Kingdom of Jordan for the purpose of expanding cooperation of military cybersecurity activities.

(b) Cooperation Efforts.—The efforts to expand cooperation required by subsection (a) may include the following efforts between the Department of Defense and the Ministry of Defence of the Kingdom of Jordan:

(1) Cybersecurity training activities and exercises.

(2) Efforts to—

(A) actively defend military networks, infrastructure, and systems;

(B) eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems;

(C) leverage United States commercial and military cybersecurity technology and services to harden and defend those networks, infrastructure, and systems.

(3) Establishment of a regional cybersecurity center.

(c) Briefings.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, provide to the appropriate committees of Congress a briefing on the implementation of this section.

(2) Contents.—The briefing required by paragraph (1) shall include the following:

(A) a description of efforts undertaken pursuant to this section;

(B) A description of the feasibility and advisability of expanding cooperation with the Ministry of Defence of the Kingdom of Jordan on military cybersecurity;

(C) Identification of any challenges and resources that need to be addressed so as to expand cooperation with the Ministry of Defence of the Kingdom of Jordan on military cybersecurity.

(D) Any other matter the Secretary considers relevant.

(3) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1612. COMMANDER OF UNITED STATES CYBER COMMAND.

Section 167(c) of title 10, United States Code, is amended

(1) by striking "GRADE OF COMMANDER.—The commander shall be appointed for a term of four years, and the President may nominate and appoint the commander for one additional term following the expiration of the term or asset that is protected by cryptographic modernization budget justification materials submitted with the budget justification materials submitted with the budget justification materials submitted with the budget of the Department of Defense for that fiscal year (as submitted with the budget of the President under section 1105 of title 31, United States Code) a consolidated cryptographic modernization budget justification description for each Department of Defense system or asset that is protected by cryptography and subject to certification by the National Security Agency (in this section, referred to as "covered items");

(b) ELEMENTS.—Each display included under subsection (a) for a fiscal year shall include the following:

(1) Cryptographic Modernization Activities.—(A) Whether, in accordance with the schedule established under section 135(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–233; 10 U.S.C. 142 note), the cryptographic modernization for each covered item is pending, in progress, complete, or pursuant to paragraph (2) of such section, extended.

(b) The funding required for the covered fiscal year and for each subsequent fiscal year of the Future Years Defense Program to complete the pending or in progress cryptographic modernization by the required replacement date of each covered item is pending, in progress, complete, or pursuant to paragraph (2) of such section, extended.

(B) The funding required for the covered fiscal year and for each subsequent fiscal year of the Future Years Defense Program to complete the pending or in progress cryptographic modernization by the required replacement date of each covered item is pending, in progress, complete, or pursuant to paragraph (2) of such section, extended.

(ii) An explanation—

(a) justifying the deviations; and

(ii) of whether or how any delays resulting from a deviation shall be overcome to meet the required replacement date.

(b) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(C) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(D) The funding required for the covered fiscal year and for each subsequent fiscal year of the Future Years Defense Program to complete the pending or in progress cryptographic modernization by the required replacement date of each covered item is pending, in progress, complete, or pursuant to paragraph (2) of such section, extended.

(E) For any covered item that remains in service past its required replacement date, a description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(F) For any covered item that remains in service past its required replacement date, a description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(G) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(H) For any covered item that remains in service past its required replacement date, a description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(I) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(J) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(K) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(L) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(M) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(N) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(O) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(P) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(Q) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(R) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(S) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(T) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(U) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(V) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(W) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(X) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(Y) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(Z) A description of the deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

(2) Mitigation Activities for Covered Items.—(A) Whether, in accordance with the schedule established under section 135(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–233; 10 U.S.C. 142 note), the cryptographic modernization for each covered item is pending, in progress, complete, or pursuant to paragraph (2) of such section, extended.
year for required mitigation activities to complete any planned, pending, or in progress mitigation activities for a covered item.

(c) A description of the activities planned in the covered fiscal year and each subsequent fiscal year to complete mitigation activities and an explanation of the efficacy of the mitigation activities.

(c) FORM.—The display required by subsection (a) shall be included in unclassified form, but may include a classified annex.

SEC. 1622. ESTABLISHING PROJECTS FOR DATA MANAGEMENT, ARTIFICIAL INTELLIGENCE, AND DIGITAL SOLUTIONS.

(a) ESTABLISHMENT OF PRIORITY PROJECTS.—The Deputy Secretary of Defense shall—

(1) establish priority enterprise projects for data management, artificial intelligence, and digital solutions for both business efficiency and warfighting capabilities intended to accelerate decision advantage; and

(2) assign responsibilities for execution and funding of the projects established under paragraph (1).

(b) ACTIONS REQUIRED.—To ensure implementation of the priority projects of the Deputy Secretary of Defense under subsection (a), and to instill data science and technology as a core discipline in the Department of Defense, the Deputy Secretary shall—

(1) hold the heads of Department components accountable for—

(A) making their component’s data available for use in common enterprise data sets in accordance with plans developed and approved by the head of the component and the Deputy Secretary;

(B) developing, implementing, and reporting measurable actions to acquire, preserve, and grow the population of government and contractor personnel with expertise in data management, artificial intelligence, and digital solutions;

(C) making their components use data management practices, analytics processes, computing environments, and operational test environments that are made available and specifically approved by the head of the component and the Deputy Secretary;

(D) identifying and reporting on an annual basis to the Deputy Secretary any gaps in the ongoing programs and activities and new initiatives within their components to which the component head determines should be applied analytics, digital technology, and artificial intelligence; and

(E) developing and implementing cybersecurity solutions, including red team assessments with digital intelligence systems, data, development processes, and applications from adversary actions;

(2) require the Chief Digital and Artificial Intelligence Officer and heads of Department components to develop and report on an actionable plan for the Deputy Secretary to promulgate to reform the technologies, policies, and procedures required to strengthen accreditation and authority to operate decisions to enable rapid deployment into operational environments of newly developed governments, contractor, and commercial software;

(3) require the Chief Digital and Artificial Intelligence Officer and heads of Department components to define and establish cyber paths, work roles, and occupational specialties for civilian and military personnel in the fields of data management, artificial intelligence, and digital solutions for the Deputy Secretary’s approval; and

(4) establish a Departmental management reform goal for adoption and integration artificial intelligence, and digital solutions for business and warfighting processes, including the tracking of metrics, milestones, and initiatives to measure the progress of the Department in meeting that goal.

(c) BRIEFINGS REQUIRED.—Not later than 180 days after the date of enactment of this Act and not less frequently than once every six months thereafter until December 31, 2025, the Deputy Secretary shall provide to the congressional defense committees a brief, including a briefing to the Deputy Secretary to implement the requirements of this section and the status of implementation actions.

(d) COMPONENT DEFINED.—In this section, the term “component” means a military department, a combatant command, or a defense agency of the Department of Defense.

SEC. 1623. OPERATIONAL TESTING FOR COMMERCIAL CYBERSECURITY CAPABILITIES.

(a) REQUIREMENT.—Subject to subsection (c), the Deputy Secretary of Defense may not operate a commercial cybersecurity capability on a network of the Department of Defense until such capability has received a satisfactory determination from the Director of Operational Test and Evaluation in each of the following areas:

(1) Operational effectiveness.

(2) Operational suitability.

(3) Cyber survivability.

(b) Assessment.—The Deputy Secretary of Defense shall conduct an assessment that includes consideration of the following:

(1) Threat-realistic operational testing, including representative environments, variation of operational conditions, and inclusion of a realistic opposing force.

(2) The use of Department of Defense Cyber Red Team assessments, including contracts with cloud service providers to permit threat-representative Red Team assessments.

(c) Collaboration.—With the personnel using the commercial cybersecurity capability regarding the results of the testing to improve operators’ ability to recognize and defend against cyberattacks.

(d) Extent of additional resources.—Any identified lessons learned that may be needed to remediate any shortfalls in capability to make the commercial cybersecurity capability effective, suitable, and cyber survivable in an operational environment of the Department.

(e) Identification of training requirements, changes to training, sustainment practices, and changes to personnel deployment that may be needed to ensure the effectiveness, suitability, and cyber survivability of the commercial cybersecurity capability.

(f) Waiver.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with commercial industry, shall submit to the Committee on Armed Services of the House of Representatives a policy and plan for test and evaluation of the commercial cybersecurity capabilities that could be assessed.

(g) Effective Date.—This section shall take effect on February 1, 2024.

SEC. 1624. PLAN FOR COMMERCIAL CLOUD TEST AND EVALUATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with commercial industry, shall submit to the Committee on Armed Services of the House of Representatives a policy and plan for test and evaluation of the commercial cloud services required by subsection (a), including policies and plans for test and evaluation of the cybersecurity of the clouds of commercial cloud service providers.

(b) CONTENTS.—The policy and plan submitted under subsection (a) shall include the following:

(1) A requirement that all future contracts with cloud service providers include provisions that permit the Department to conduct independent, threat-realistic assessments, including penetration testing of the commercial cloud infrastructure including the control plane and virtualization hypervisor.

(2) An explanation as to how the Department intends to proceed on amending existing contracts with cloud service providers to permit the same level of rigorous assessments that will be required for all future contracts.

(3) Identification and description of any proposed tiered test and evaluation requirements aligned with different impact and classification levels.

(c) Waiver Authority.—The policy and plan required under subsection (a) may provide an authority to waive any requirements described in subsection (b) conditioned upon the agreement of the Chief Information Officer of the Department of Defense and the Director of Operational Test and Evaluation.
SEC. 1625. REPORT ON RECOMMENDATIONS FROM NAVY CIVILIAN CAREER PATH STUDY.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the recommendations made in the report submitted to the congressional defense committees under section 1655(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; relating to improving cyber career paths in the Navy).

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of each recommendation described in such subsection that has already been implemented.

(B) A description of each recommendation described in such subsection that the Secretary has commenced implementing, including a justification for determining to commence implementing the recommendation.

(C) A description of each recommendation described in such subsection that the Secretary has not implemented or commenced implementing and a determination as to whether or not to implement the recommendation.

(D) For each recommendation under subparagraph (C) that the Secretary determines to implement, the following:

(i) A timeline for implementation.

(ii) A description of any additional resources or authorities required for implementation.

(iii) The plan for implementation.

(E) For each recommendation under subparagraph (C) that the Secretary determines not to implement, a justification for the determination not to implement.

(b) Report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) REVIEW.—Not later than 180 days after the date of the submittal of the report required by subsection (a)(1), the Comptroller General of the United States shall conduct a review of such report.

(2) REQUIREMENT FOR SOFTWARE BILL OF MATERIALS.—

(1) IN GENERAL.—The Secretary of Defense shall amend the Department of Defense Supplement to the Federal Acquisition Regulation to require a software bill of materials (SBOM) for all noncommercial software created for or acquired by the Department of Defense.

(2) WAIVERS.—The amendment required by paragraph (1) may provide for waivers that require approval by an official whose appointment is subject to confirmation by the Senate.

(c) RECOMMENDATIONS TO THE SECRETARY.—

The Secretary shall disclose the matters identified and developed under paragraph (2) of such section.

(d) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1627. REQUIREMENT FOR SOFTWARE BILL OF MATERIALS.

(a) REQUIREMENT FOR SOFTWARE BILL OF MATERIALS.—

(1) IN GENERAL.—The Secretary of Defense shall require that the Department of Defense shall supplement to the Federal Acquisition Regulation to require a software bill of materials (SBOM) for all noncommercial software created for or acquired by the Department of Defense.

(2) WAIVERS.—The amendment required by paragraph (1) may provide for waivers that require approval by an official whose appointment is subject to confirmation by the Senate.

(b) RECOMMENDATIONS TO THE SECRETARY.—

The Chief Information Officer, the Under Secretary of Defense for Acquisition and Sustainment, and the Director of Defense for Research and Engineering shall jointly submit to the Secretary recommendations regarding the content of the amendment required by subsection (a).

(c) STUDY REGARDING APPLICATION TO SOFTWARE ALREADY ACQUIRED.—

(1) STUDY REQUIRED.—The Secretary shall conduct a study of the feasibility and advisability of acquiring a software bill of materials for software already acquired by the Department.

(2) FINAL REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall provide the congressional defense committees a briefing on the preliminary findings of the Comptroller General with respect to the review conducted under paragraph (1) at such time and in such format as is mutually agreed upon by the committees and the Comptroller General.

(d) SOFTWARE BILL OF MATERIALS.—Not later than one year after the date of the enactment of this Act, the Secretary shall, in consultation with industry, develop an approach for commercial software in use by the Department and establish a plan and a directive for commercial software that provides, to the maximum extent practicable, policies and processes for

operationalizing software bills of materials to enable the Department to understand promptly the cybersecurity risks to Department of Defense capabilities posed by discoveries of vulnerabilities and compromises in commercial and open source software.

(e) SOLICITATION OF INFORMATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue a request for information from the public and private sectors regarding technical and procedural options to identify software employed in the Department to enable risk assessments and patching of security vulnerabilities when such vulnerabilities are discovered in the absence of reliable bills of materials.

(2) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the solicitation for information under paragraph (1).

(f) DEFINITION OF SOFTWARE BILL OF MATERIALS.—In this section, the term ‘‘software bill of materials’’ means a complete, formally structured list of components, libraries, and modules that are required to build, compile, and link a given piece of software and an identification of the provenance and suppliers of such materials.

SEC. 1628. ESTABLISHMENT OF SUPPORT CENTER FOR CONSORTIUM OF UNIVERSITIES THAT ADVISE SECRETARY OF DEFENSE ON CYBERSECURITY MATTERS.

Not later than one year after the date of the enactment of this Act, the Secretary shall establish at the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-91; 10 U.S.C. 391 note) is amended by adding at the end the following new subsection:

(1) ESTABLISHMENT.—The Secretary shall establish a center to provide support to the consortium established under subsection (a).

(2) SUPPORT CENTER.—

(i) LOCAL GOVERNMENT CONSENT.—The Secretary shall establish a center to provide support to the consortium established under paragraph (1) shall be composed of not more than two universities, as the Secretary considers appropriate, that:

(ii) ARE ELIGIBLE FOR ACCESS TO CLASSIFIED INFORMATION.—

(iii) PROVIDE SUPPORT TO THE CENTER.—The Secretary shall establish a center to provide support to the consortium established under paragraph (1) in the following:

(iv) PROVIDE SUPPORT TO THE CENTER.—The Secretary shall establish a center to provide support to the consortium established under paragraph (1) in the following:

(v) RESEARCH AND DEVELOPMENT.—The Secretary shall establish a center to provide support to the consortium established under paragraph (1) in the following:

(vi) PROVIDE SUPPORT TO THE CENTER.—The Secretary shall establish a center to provide support to the consortium established under paragraph (1) in the following:

(vii) PROVIDE SUPPORT TO THE CENTER.—The Secretary shall establish a center to provide support to the consortium established under paragraph (1) in the following:

(viii) PROVIDE SUPPORT TO THE CENTER.—The Secretary shall establish a center to provide support to the consortium established under paragraph (1) in the following:

(ix) PROVIDE SUPPORT TO THE CENTER.—The Secretary shall establish a center to provide support to the consortium established under paragraph (1) in the following:

(x) PROVIDE SUPPORT TO THE CENTER.—The Secretary shall establish a center to provide support to the consortium established under paragraph (1) in the following:

SEC. 1629. ROADMAP AND IMPLEMENTATION PLAN FOR CYBERSECURITY OF ARTIFICIAL INTELLIGENCE.

(a) ROADMAP AND IMPLEMENTATION PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of United States Cyber Command and the Chief Information Officer of the Department of Defense, in coordination with the Under Secretary of Digital and Artificial Intelligence Officer of the Department, the Director of the Defense Advanced Research Projects
Agency, the Director of the National Security Agency, and the Under Secretary of Defense for Research and Engineering, shall jointly develop a five-year roadmap and implementation plan for rapidly adopting and acquiring artificial intelligence systems, applications, and supporting data and data management processes for the Cyberspace Operations Forces of the Department of Defense.

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

(1) Identification and prioritization of artificial intelligence systems, applications, data, and data processing identified in paragraph (1).

(2) A plan to develop, acquire, adopt, and sustain artificial intelligence systems, applications, and data, and processing identified in paragraph (1).

(3) Roles and responsibilities for the following: adopting and acquiring artificial intelligence systems, applications, and data to cyber missions within the Department:
   (A) The Commander of United States Cyber Command.
   (C) The Chief Information Officer of the Department.
   (D) The Chief Digital and Artificial Intelligence Officer of the Department.
   (E) The Under Secretary of Defense for Research and Engineering.
   (F) The Secretaries of the military departments.
   (G) The Director of the National Security Agency.

(4) Identification of currently deployed, adopted, acquired artificial intelligence systems, applications, ongoing prototypes, and data.

(5) Identification of current capability and skill gaps that must be addressed prior to the development and adoption of artificial intelligence applications identified in paragraph (1).

(6) Identification of opportunities to solicit operator utility feedback through inclusion into research and development processes and wargaming or experimentation events by developing a roadmap for such processes and events, as well as a formalized process for capturing and tracking lessons learned from such events to inform the development community.

(7) Identification of long-term technology gaps for fulfilling the Department’s cyber warfare mission to be addressed by research and development of relevant commercial and federal technology solutions, including phases in the maturity model or identified milestones and clearly identified areas for collaboration with relevant commercial and federal technology solutions.

(8) Definition of a maturity model describing stages for artificial intelligence systems, applications, and data that the Department of Defense should employ to gauge the maturity and capability of such systems, applications, and data.

(9) Efforts to incorporate metrics developed to assess the effectiveness of the demonstration program; and

(10) A detailed schedule with target milestones, investments, and required expenditures.

(c) BRIEFING.—Not later than 30 days after the date on which the Commander and the Chief Information Officer complete development of the roadmap and implementation plan required in subsection (a), the Commander and the Chief Information Officer jointly determine may be required.

(11) Such other topics as the Commander and the Chief Information Officer jointly consider appropriate.

(12) COORDINATION WITH MILITARY SERVICES.—In carrying out the demonstration program required by subsection (a), the Chief Information Officer shall, in coordination with the Secretary of the Air Force, the Secretary of the Army, the Secretary of the Navy, the Chief Information Officer with respect to the operational technology elements of the Department of Defense, and the Chief Information Officer with respect to the operational technology elements of the Department of Defense, select a military service to participate in the demonstration program.

(b) ELEMENTS.—The demonstration program shall include—

(1) efforts to determine, execute, and validate in an auditable manner data curation and data sharing activities for the artificial intelligence technology budget of a military service;

(2) efforts to improve the cybersecurity efforts funded out of noncyber information technology lines, including qualitative techniques such as semantic analysis or natural language processing techniques;

(3) metrics developed to assess the effectiveness of the demonstration program;

(4) a cost tradeoff analysis of implementation of the demonstration program; and

(5) information on such pilot programs as the Secretary of Defense considers may be required to improve the cybersecurity of the defense industrial base.

SEC. 1630. DEMONSTRATION PROGRAM FOR CYBERSPACE OPERATIONS TECHNIQUE, TACTIC, AND PROCEDURE TECHNOLOGY BUDGET DATA ANALYTICS.

(a) DEMONSTRATION PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2024, the Chief Information Officer of the Department of Defense shall, in coordination with the Chief Digital and Artificial Intelligence Officer, complete a pilot program to demonstrate the application of data analytics to the fiscal year 2024 cyber and information technology budget data of a military service.

(2) BRIEFING.—Not later than March 1, 2024, the Chief Information Officer shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the demonstration program required by subsection (a). The briefing under subparagraph (A) shall include the following:

(3) Interim and final metrics of adoption of artificial intelligence for each activity identified in the roadmap.

(4) Elements of the demonstration program required by subsection (a).

(5) Efforts to incorporate data analytics into the congressional budget submission for the research and development budget of the Department of Defense.

(6) Plans for incorporating data analytics into the congressional budget submission for the operation and maintenance budget of the Department of Defense.

(b) ELEMENTS.—The demonstration program required by subsection (a) shall include—

(1) Efforts to identify, execute, and validate in an auditable manner data curation and data sharing activities for the artificial intelligence technology budget of the Department of Defense;

(2) Efforts to improve the cybersecurity efforts funded out of noncyber information technology lines, including qualitative techniques such as semantic analysis or natural language processing techniques;

(3) Metrics developed to assess the effectiveness of the demonstration program; and

(4) A cost tradeoff analysis of implementation of the demonstration program.

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

(5) Efforts to determine, execute, and validate in an auditable manner data curation and data sharing activities for the artificial intelligence technology budget of the Department of Defense.

(6) Efforts to improve the cybersecurity efforts funded out of noncyber information technology lines, including qualitative techniques such as semantic analysis or natural language processing techniques;

(7) Efforts to incorporate metrics developed to assess the effectiveness of the demonstration program;

(8) A cost tradeoff analysis of implementation of the demonstration program; and

(9) Information on such pilot programs as the Secretary of Defense considers may be required to improve the cybersecurity of the defense industrial base.

(c) BRIEFING.—Not later than March 1, 2024, the Chief Information Officer shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the demonstration program required by subsection (a). The briefing under subparagraph (A) shall include the following:

(1) Efforts to determine, execute, and validate in an auditable manner data curation and data sharing activities for the artificial intelligence technology budget of the Department of Defense.

(2) Efforts to improve the cybersecurity efforts funded out of noncyber information technology lines, including qualitative techniques such as semantic analysis or natural language processing techniques;

(3) Metrics developed to assess the effectiveness of the demonstration program; and

(4) A cost tradeoff analysis of implementation of the demonstration program.

(c) BRIEFING.—Not later than March 1, 2024, the Chief Information Officer shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the demonstration program required by subsection (a). The briefing under subparagraph (A) shall include the following:

(1) Efforts to determine, execute, and validate in an auditable manner data curation and data sharing activities for the artificial intelligence technology budget of the Department of Defense.

(2) Efforts to improve the cybersecurity efforts funded out of noncyber information technology lines, including qualitative techniques such as semantic analysis or natural language processing techniques;

(3) Metrics developed to assess the effectiveness of the demonstration program; and

(4) A cost tradeoff analysis of implementation of the demonstration program.

(c) BRIEFING.—Not later than March 1, 2024, the Chief Information Officer shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the demonstration program required by subsection (a). The briefing under subparagraph (A) shall include the following:

(1) Efforts to determine, execute, and validate in an auditable manner data curation and data sharing activities for the artificial intelligence technology budget of the Department of Defense.

(2) Efforts to improve the cybersecurity efforts funded out of noncyber information technology lines, including qualitative techniques such as semantic analysis or natural language processing techniques;

(3) Metrics developed to assess the effectiveness of the demonstration program; and

(4) A cost tradeoff analysis of implementation of the demonstration program.

(c) BRIEFING.—Not later than March 1, 2024, the Chief Information Officer shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the demonstration program required by subsection (a). The briefing under subparagraph (A) shall include the following:

(1) Efforts to determine, execute, and validate in an auditable manner data curation and data sharing activities for the artificial intelligence technology budget of the Department of Defense.

(2) Efforts to improve the cybersecurity efforts funded out of noncyber information technology lines, including qualitative techniques such as semantic analysis or natural language processing techniques;

(3) Metrics developed to assess the effectiveness of the demonstration program; and

(4) A cost tradeoff analysis of implementation of the demonstration program.
(3) development and selection of options, with associated costs and schedule, to correct such vulnerabilities, including installation of intrusion detection capabilities; and

(4) development of integrated risk-based plans to implement the corrective actions selected.

(c) DEVELOPMENT OF CORRECTIVE ACTIONS.—In developing corrective actions under subsection (b)(3), the assessments required under subsection (a) shall address requirements for deployed members of the Armed Forces to analyze data collected on the weapons systems and respond to attacks.

(d) INTELLIGENCE INFORMED ASSESSMENTS.—The assessments required under subsection (a) shall be informed by intelligence, if available, and technical judgment regarding potential threats to embedded operational technology during operations of the Armed Forces.

(e) COORDINATION.—

(1) COORDINATION AND INTEGRATION OF ACTIVITIES.—The assessments required under subsection (a) shall be fully coordinated and integrated with activities described in such subsection.

(2) COORDINATION OF ORGANIZATIONS.—The Secretary shall ensure that the organizations conducting the assessments under subsection (a) in the military departments, the United States Special Operations Command, and the Defense Agencies coordinate with each other and share best practices, vulnerability analyses, and technical solutions.

(f) BRIEFINGS.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees briefings from the organizations specified under subsection (e)(2), as appropriate, on the activities and plans required under this section.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2023”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPRIATION 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, 2025; or

(2) the date of the enactment of an Act authorizing funds for military construction projects for fiscal year 2026.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) for—

(1) the date of the enactment of this Act; or

(2) the date of the enactment of an Act authorizing funds for military construction projects for fiscal year 2026.

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 outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Army: Inside the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
</tr>
<tr>
<td>Alabama</td>
</tr>
<tr>
<td>Alaska</td>
</tr>
<tr>
<td>Colorado</td>
</tr>
<tr>
<td>Hawaii</td>
</tr>
<tr>
<td>Louisiana</td>
</tr>
<tr>
<td>Mississippi</td>
</tr>
<tr>
<td>North Carolina</td>
</tr>
<tr>
<td>Pennsylvania</td>
</tr>
<tr>
<td>Texas</td>
</tr>
<tr>
<td>Washington</td>
</tr>
<tr>
<td>Army: Outide the United States</td>
</tr>
<tr>
<td>------------------------------</td>
</tr>
<tr>
<td>Country</td>
</tr>
<tr>
<td>Germany</td>
</tr>
<tr>
<td>Japan</td>
</tr>
<tr>
<td>Germany</td>
</tr>
</tbody>
</table>

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Army: Family Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country</td>
</tr>
<tr>
<td>Germany</td>
</tr>
<tr>
<td>Italy</td>
</tr>
</tbody>
</table>
SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, 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 2803 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(b) of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. EXTENSION AND MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) Kunsan Air Base, Korea.—

(1) Extension.—Notwithstanding section 2102 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorization contained in the table in section 2101(b) of that Act (131 Stat. 1819) for Kunsan Air Base, Korea, 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) Modification.—In the case of the authorization contained in the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1819) for Kunsan Air Base, Korea, for construction of an unmanned aerial vehicle hangar at the installation, the Secretary of the Army may construct the hangar at Humpreys, Korea, and may remove primary scope associated with the relocation of the Air Defense Artillery (ADA) Battalions, to include the ground-based missile defense equipment area, fighting positions, missile resupply area ADA, ready building or command post, battery command post area, safety zone, and ADA work area.

(b) Kawaihel Atoll, Kawaii.—

(1) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorization contained in the table in section 2101(b) of that Act (131 Stat. 1820) for Kawaihel Atoll, Kawaii, 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.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT OUTLAW PROJECT AT CAMP TANGO, KOREA.

In the case of the authorization contained in the table in section 2101(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2018 (division B of Public Law 115–232; 132 Stat. 2242) for Camp Tango, Korea, for construction of a command and control facility at the installation, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:*

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Marine Corps Air Ground Combat Center Twentynine Palms</td>
<td>$120,382,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Camp Pendleton</td>
<td>$117,310,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Recruit Depot San Diego</td>
<td>$83,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Lemoore</td>
<td>$201,261,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base San Diego</td>
<td>$132,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base Point Loma Annex</td>
<td>$56,450,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base New London</td>
<td>$15,514,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station Jacksonville</td>
<td>$86,232,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Whiting Field</td>
<td>$199,289,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center Carderock Division</td>
<td>$2,073,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base Kings Bay</td>
<td>$279,171,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base Bremerton</td>
<td>$530,389,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$7,354,192,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Kaneohe Bay</td>
<td>$87,900,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Surface Warfare Center Indian Head Division</td>
<td>$8,039,000</td>
</tr>
<tr>
<td></td>
<td>Marine Forces Reserve Battle Creek</td>
<td>$24,300,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Naval Air Station Fallon</td>
<td>$146,165,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Marine Corps Air Station Cherry Point</td>
<td>$38,415,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station New River</td>
<td>$210,600,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Marine Corps Base Camp Lejeune</td>
<td>$47,475,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Naval Surface Warfare Center Philadelphia Division</td>
<td>$86,610,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Corps Recruit Depot Parris Island</td>
<td>$75,900,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station Norfolk</td>
<td>$16,863,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center Dahlgren Division</td>
<td>$2,509,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Whidbey Island</td>
<td>$105,561,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air Ground Combat Center Twentynine Palms</td>
<td>$120,382,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Camp Pendleton</td>
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<td>$199,289,000</td>
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<td></td>
<td>Naval Submarine Base Kings Bay</td>
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<td>Marine Corps Base Kaneohe Bay</td>
<td>$87,900,000</td>
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<td>Maryland</td>
<td>Naval Surface Warfare Center Indian Head Division</td>
<td>$8,039,000</td>
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<td>Nevada</td>
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<td>$38,415,000</td>
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<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station New River</td>
<td>$210,600,000</td>
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<td>South Carolina</td>
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<td>Virginia</td>
<td>Marine Corps Recruit Depot Parris Island</td>
<td>$75,900,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station Norfolk</td>
<td>$16,863,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center Dahlgren Division</td>
<td>$2,509,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Whidbey Island</td>
<td>$105,561,000</td>
</tr>
</tbody>
</table>

* (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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Royal Australian Air Force Base Darwin</td>
<td>$258,831,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonnier</td>
<td>$106,700,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$195,400,000</td>
</tr>
</tbody>
</table>
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, and in the amounts set forth in the following table:

(b) Improvements to Military Family Housing Units.—Subject to section 2205 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 $74,540,000.

(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 $14,123,000.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, 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 2633 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION 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 of that Act (131 Stat. 2001), 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) 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:
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 $17,730,000.

(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 $233,858,000.

(b) OVERSEAS CONTINGENCY OPERATIONS.—

(1) IN GENERAL.—Notwithstanding section 2022 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorizations set forth in the table in paragraph (2), as provided in section 2301(b) of that Act (131 Stat. 1825), for the projects specified in that table 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Tyndall Air Force Base</td>
<td>Fire Station</td>
<td>$17,730,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>BMT Classrooms/Dining</td>
<td>$33,000,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base San Antonio</td>
<td>Camp Bullis Dining Facility</td>
<td>$18,500,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F. E. Warren Air Force Base</td>
<td>Consolidated Helo/TRF Ops/AMU and Alert Fac.</td>
<td>$62,000,000</td>
</tr>
</tbody>
</table>

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, 2022, 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 2801 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) AIR FORCE CONSTRUCTION AND LAND ACQUISITION.—

(1) IN GENERAL.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorizations set forth in the table in paragraph (2), as provided in section 2301(b) of that Act (131 Stat. 1825), for the projects specified in that table 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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hungary</td>
<td>Kecskemet Air Base</td>
<td>ERI: Airfield Upgrades</td>
<td>$12,900,000</td>
</tr>
<tr>
<td></td>
<td>Kecskemet Air Base</td>
<td>ERI: Construct Parallel Taxiway</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Kecskemet Air Base</td>
<td>ERI: Increase POL Storage Capacity</td>
<td>$12,500,000</td>
</tr>
<tr>
<td></td>
<td>Sanem</td>
<td>ERL: ECAOS Deployable Airbase</td>
<td>$87,400,000</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Malacky</td>
<td>ERI: Airfield Upgrades</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td>Malacky</td>
<td>ERI: Increase POL Storage Capacity</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Sliac Airport</td>
<td>ERI: Airfield Upgrades</td>
<td>$2,200,000</td>
</tr>
</tbody>
</table>

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA.

In the case of the authorization contained in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division C of Public Law 116–92; 133 Stat. 1915) for Tyndall Air Force Base, Florida—

(1) for construction of Lodging Facilities Phases 1–2, as specified in the funding table in section 4605 of that Act (133 Stat. 2163) and modified by subsection (a)(7) of section 2306 of the Military Construction Authorization Act for Fiscal Year 2021 (division C of Public Law 116–283; 133 Stat. 4302), the Secretary of the Air Force may construct an emergency backup generator;

(2) for construction of Dorm Complex Phases 1–2, as specified in such funding table and modified by subsection (a)(8) of such section 2306, the Secretary of the Air Force may construct two emergency backup generators;

(3) for construction of Site Development, Utilities & Demo Phase 2, as specified in such funding table and modified by subsection (a)(6) of such section 2306, the Secretary of the Air Force may construct—
(A) up to 6,248 linear meters of storm water utilities;
(B) up to 55,775 square meters of roads;
(C) up to 4,334 linear meters of gas pipeline; and
(D) up to 28,958 linear meters of electrical;
(4) for construction of Tyndall AFB Gate Complex, as specified in such funding table and modified by subsection (a)(6) of such section 2306, the Secretary of the Air Force may construct up to 55,694 square meters of roadway with serpentines; and
(5) for construction of Deployment Center/Flight Line Dining/AAFES, as specified in such funding table and modified by subsection (a)(11) of such section 2306, the Secretary of the Air Force may construct up to 164 square meters of AAFES (Shoppette).

In the case of the authorization contained in section 2303(a) of the Military Construction Authorization Act for Fiscal Year 2022 (division B of Public Law 116–283, 134 Stat. 4299) for Hill Air Force Base, Utah, for construction of GBSD Organic Software Sustainability Center, as specified in the funding table in section 4601 of such Act (134 Stat. 4502), the Secretary of the Air Force may construct—
(1) up to 7,526 square meters of surface parking lot in lieu of constructing a 13,494 square meters vehicle parking garage; and
(2) up to 402 square meters of storage igloo.

### Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$151,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Naval Base Coronado</td>
<td>$75,712,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlbert Field</td>
<td>$9,100,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$34,470,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$58,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Dam Neck</td>
<td>$25,780,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon</td>
<td>$26,600,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$18,000,000</td>
</tr>
</tbody>
</table>

### Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Baumholder</td>
<td>$149,023,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Yokota Air Base</td>
<td>$72,154,000</td>
</tr>
</tbody>
</table>

### 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 for the installations or locations outside the United States, and in the amounts, set forth in the following table:

### ERCIP Projects: Inside the United States

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Missile and Space Intelligence Center, Redstone Arsenal</td>
<td>$10,700,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Mountain Warfare Training Center</td>
<td>$25,560,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base Ventura County</td>
<td>$13,360,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station Jacksonville</td>
<td>$2,400,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Patrick Space Force Base</td>
<td>$15,700,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Fort Stewart-Hunter Army Airfield</td>
<td>$25,400,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Submarine Base Kings Bay</td>
<td>$11,200,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Naval Base Guam</td>
<td>$34,360,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Riley</td>
<td>$25,780,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>U.S. Army Reserve Center, Conroe</td>
<td>$23,310,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity Hampton Roads</td>
<td>$9,600,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,100,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects 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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Djibouti</td>
<td>Camp Lemonnier</td>
<td>$24,000,000</td>
</tr>
</tbody>
</table>
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, 2022, for the Department of Defense, military departments, the Coast Guard, and the military related agencies as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2803 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2506 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorization set forth in the table in subsection (b), as provided in section 2601(b) of that Act (131 Stat. 1839), for the projects specified in that table 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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td></td>
<td>$780,000</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Camp Arifjan</td>
<td></td>
<td>$26,850,000</td>
</tr>
</tbody>
</table>

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 2306 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, 2022, for contributions by the Secretary of Defense under section 2306 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.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Quartermaster Laundry/Dry Cleaner Facility</td>
<td>$24,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MILVAN CONNEX Storage Yard</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Camp Mujuk</td>
<td>Replace Ordnance Storage Magazines</td>
<td>$150,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Gimhae Air Base</td>
<td>Water Treatment Plant Relocation</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Refueling Vehicle Shop</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Combined Air and Space Operations Intelligence Center</td>
<td>$306,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Upgrade Electrical Distribution West, Phase 3</td>
<td>$235,000,000</td>
</tr>
</tbody>
</table>

SEC. 2512. REPEAL OF AUTHORIZED APPROACH TO CONSTRUCTION PROJECT AT CAMP HUMPHREYS, REPUBLIC OF KOREA.

Section 2511 of the Military Construction Authorization Act for Fiscal Year 2022 (division B of Public Law 117–81; 135 Stat. 2177) is amended—

(1) in subsection (a), by striking “(a) AUTHORIT Y TO ACCEPT PROJECTS.—Pursuant to” and inserting “Pursuant to”; and

(2) by striking subsection (b).

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Joint Base Elmendorf-Richardson</td>
<td>$63,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Robinson</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>New Castle</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Gainesville</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>State or Territory</td>
<td>Location</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
<td>--------</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Palm Coast</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Atlanta</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>West Des Moines</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>New Ulm</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Reno</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Troy</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>McLeansville</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Camp Umatilla</td>
<td>$14,245,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Arroyo</td>
<td>$28,602,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Camp Santiago</td>
<td>$161,337,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Camp Guernsey</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Morris Air National Guard Base</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Alabama</td>
<td>Birmingham International Airport</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Montgomery Regional Airport</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Tucson International Airport</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Jacksonville International Airport</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Fort Wayne International Airport</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>McGhee-Tyson Airport</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Quonset State Airport</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>McLaughlin Air National Guard Base</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.
Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Perrine</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Fort Buchanan</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Yakima</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$64,000,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.
Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Marine Corps Base Kaneohe Bay</td>
<td>$102,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Forces Reserve Dam Neck Virginia Beach</td>
<td>$10,400,000</td>
</tr>
</tbody>
</table>

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.
Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Birmingham International Airport</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Montgomery Regional Airport</td>
<td>$9,200,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Morris Air National Guard Base</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Tucson International Airport</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Jacksonville International Airport</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Fort Wayne International Airport</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>McGhee-Tyson Airport</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Quonset State Airport</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>McLaughlin Air National Guard Base</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>
Air Force Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$10,500,000</td>
</tr>
</tbody>
</table>

SEC. 2607. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorizations set forth in the table in subsection (b), as provided in section 2004 of that Act (131 Stat. 1836), for the projects specified in that table 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:

<table>
<thead>
<tr>
<th>Army National Guard: Outside the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana</td>
</tr>
<tr>
<td>South Dakota</td>
</tr>
<tr>
<td>Wisconsin</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Project</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Original Authorized Amount</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

SEC. 2608. CORRECTIONS TO AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2022 PROJECTS. The table in section 2601 of the Military Construction Authorization Act Fiscal Year 2022 (division B of Public Law 117–81; 135 Stat. 2178) is amended—

(1) in the item relating to redstone Arsenal, Alabama, by striking ‘‘redstone Arsenal’’ and inserting ‘‘Huntsville’’;
(2) in the item relating to Jerome National Guard Armory, Idaho, by striking ‘‘National Guard Armory’’;
(3) in the item relating to Nickell Memorial Armory Toreka, Kansas, by striking ‘‘Nickell Memorial Armory’’;
(4) in the item relating to Lake Charles National Guard Readiness Center, Louisiana, by striking ‘‘National Guard Readiness Center’’;
(5) in the item relating to Camp Grayling, Michigan, by striking ‘‘Camp’’;
(6) in the item relating to Butte Military Entrance Testing Site, Montana, by striking ‘‘Military Entrance Testing Site’’;
(7) in the item relating to Mead Army National Guard Readiness Center, Nebraska, by striking ‘‘Army National Guard Readiness Center’’ and inserting ‘‘Training Site’’;
(8) in the item relating to Dickinson National Guard Armory, North Dakota, by striking ‘‘National Guard Armory’’;
(9) in the item relating to Bennington National Guard Armory, Vermont, by striking ‘‘National Guard Armory’’;
(10) in the item relating to Camp Ethan Allen Training Site, Vermont, by striking ‘‘Camp Ethan Allen Training Site’’ and inserting ‘‘Ethan Allen Air Force Base’’;

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, 2022, 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 112–259; 126 Stat. 2140), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE ACTIVITIES. Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program

SEC. 2801. MODIFICATION OF COST THRESHOLDS FOR AUTHORITY OF DEPARTMENT OF DEFENSE TO ACQUIRE LOW-COST INTERESTS IN LAND.

Section 2801(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking ‘‘$750,000’’ and inserting ‘‘$6,000,000’’;
(2) by striking paragraph (2); 
(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and 
(4) in paragraph (2), as redesignated by paragraph (3), by striking ‘‘unless the total cost is not more than $750,000, in the case of an acquisition under paragraph (1), or $1,500,000, in the case of an acquisition under paragraph (2)’’ and inserting ‘‘unless the total cost is not more than $6,000,000’’.

SEC. 2802. CLARIFICATION OF EXCEPTIONS TO LIMITATIONS ON COST VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

Subparagraph (D) of section 2835(c)(1) of title 10, United States Code, is amended to read as follows:

‘‘(D) The Secretary concerned may not use the authority provided by subparagraph (A) 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 if that waiver would increase the project cost by more than 50 percent of the total authorized cost of the project.’’.

SEC. 2803. ELIMINATION OF SUNSET OF AUTHORITY TO CONDUCT UNSPECIFIED MINOR MILITARY CONSTRUCTION FOR LAB REVITALIZATION.

Section 2803(d) of title 10, United States Code, is amended by striking paragraph (5).

SEC. 2804. REQUIREMENT FOR INCLUSION OF DEPARTMENT OF DEFENSE FORMS 1291 WITH ANNUAL BUDGET SUBMISSION BY PRESIDENT. Concurrently with the submission to Congress by the President of the annual budget of the Department of Defense for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include each Department of Defense Form 1291, or successor similar form, for a military construction project to be carried out during that fiscal year.

SEC. 2805. DETERMINATION AND NOTIFICATION RELATING TO EXECUTIVE ORDERS THAT IMPACT COST AND TYPE OF WORK OF MILITARY CONSTRUCTION PROJECTS.

(a) DETERMINATION AND UPDATE OF FORM 1291.—Not later than 30 days after the date on which an Executive order is signed by the President, the Secretary concerned shall—

(1) determine whether the Executive order would cause a cost or scope of work variation that has not been submitted to Congress for consideration, including—

(A) projects for the next fiscal year; and
(B) projects covered by the future-years defense program submitted under section 221 of title 10, United States Code.

(b) NOTIFICATION TO CONGRESS.—Not later than 10 days after determining under subsection (a)(1) that an Executive order would cause a cost or scope of work variation for a military construction project, the Secretary concerned shall submit to the congressional defense committees a report indicating all military construction projects under the jurisdiction of the Secretary concerned that would be impacted by such cost or scope of work variation that has not been submitted to Congress for consideration, including—

(A) projects for the next fiscal year; and
(B) projects covered by the future-years defense program submitted under section 221 of title 10, United States Code.
SEC. 2806. USE OF INTEGRATED PROJECT DELIVERY CONTRACTS.

(a) IN GENERAL.—In fiscal year 2023, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each enter into at least one integrated project delivery contract for the delivery of a military construction project.

(b) INTEGRATED PROJECT DELIVERY CONTRACT DEFINED.—In this section, the term ‘‘integrated project delivery contract’’ means a contract, including a multi-party contract, that:

(1) includes at least the owner, builder, and architect; and

(2) results in awards to all parties to the contract.

SEC. 2810. EXPANSION OF PILOT PROGRAM ON INCREASED USE OF SUSTAINABLE BUILDER-FINANCING AND PERFORMANCE-BASED MILITARY CONSTRUCTION TO INCLUDE LOCATIONS THROUGHOUT THE UNITED STATES.

Section 2601(b) (2) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 2602 note) is amended, in the matter preceding subparagraph (A), by striking ‘‘continental’’.

Subtitle B—Military Housing

SEC. 2821. SPECIFICATION OF ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT AS CHIEF HOUSING OFFICER.

(a) IN GENERAL.—In fiscal year 2023, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall be the primary charging area.

(b) DEFINITIONS.—In this section:

(1) DEFENSE.—The term ‘‘Defense’’ means the Department of Defense.

(2) SECRETARY CONCERNED.—The term ‘‘Secretary concerned’’ has the meaning given that term in section 101 of title 10, United States Code.

(3) CONSTRUCTION.—The term ‘‘construction’’ includes the design and construction of facilities, the alteration or improvement of facilities, or both.

(4) MILITARY PATRIOT.—The term ‘‘Military Patriot’’ means an individual who is a veteran of service in the armed forces of any country other than the United States who served during two or more wars.

(5) MILITARY HOUSING Readiness Council—(A) IN GENERAL.—There is in the Department of Defense the Department of Defense Military Housing Readiness Council (in this section referred to as ‘‘the Council’’).

(b) MEMBERS.—(1) IN GENERAL.—The Council shall be composed of the following members:

(A) The Assistant Secretary of Defense for Energy, Installations, and Environment, who shall serve as chair of the Council and who may designate a representative to chair the Council in the absence of the Assistant Secretary.

(B) One representative of each of the Army, Navy, Air Force, Marine Corps, and Space Force, each of whom shall be a member of the component to be represented and not fewer than two of which shall be from an enlisted component.

(C) One spouse of an active component member of any of the Army, Navy, Air Force, Marine Corps, and Space Force, each of whom shall be a member of the component to be represented and not fewer than two of which shall be from an enlisted component.

(D) One individual appointed by the Secretary of Defense among representatives of the International Code Council.

(E) One individual appointed by the Secretary of Defense among representatives of the Institute of Inspection Cleaning and Restoration Certification.

(F) One individual appointed by the Chair of the Committee on Armed Services of the Senate who is not described in subparagraph (B) or (C) and is not representative of an organization specified in subparagraph (D) or (E).

(2) TERMS.—The term on the Council of the members specified under subparagraphs (B) through (H) of paragraph (1) shall be two years and may be renewed by the Secretary of Defense.

(3) ATTENDANCE BY LANDLORDS.—The chair of the Council shall extend an invitation to each landlord to attend such meetings of the Council as the Chair considers appropriate.

(c) MEETINGS.—The Council shall meet not less often than once per year.

(d) DUTIES.—The duties of the Council shall include the following:

(1) To review and make recommendations to the Secretary of Defense regarding policies for privatized military housing, including inspections practices, resident surveys, landlord payment of medical bills for residents of housing units that have not maintained minimum standards of habitability, and access to maintenance work order systems.

(2) To monitor compliance by the Department with and effective implementation by the Department of statutory improvements to policies for privatized military housing, including the Military Housing Privatization Initiative Tenant Bill of Rights developed under section 2090 of this title and the complaint database established under section 2894a of this title.

(3) To make recommendations to the Secretaries of Defense regarding information, awareness, and promotion of accurate and timely information about privatized military housing, accommodations available through the Enterprise Member Program of the Department of Defense, and other support services among policymakers, service providers, and targeted beneficiaries.

(e) PUBLIC REPORTING.—

(1) AVAILABILITY OF DOCUMENTS.—Subject to section 552 of title 5 (commonly known as the ‘‘Freedom of Information Act’’), the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agendas, and other documents made available to or prepared for or by the Council shall be available for public inspection and copying at a single location in a publicly accessible format on a website of the Department of Defense until the Council ceases to exist.

(2) MINUTES.—

(A) IN GENERAL.—Detailed minutes of each meeting of the Council shall be kept and shall contain—

(i) a record of the individuals present;

(ii) a complete and accurate description of matters discussed and conclusions reached; and

(iii) copies of all reports received, issued, or approved by the Council.

(B) CERTIFICATION.—The chair of the Council shall certify the minutes of each meeting of the Council.

(f) ANNUAL REPORTS.—

(1) IN GENERAL.—For any fiscal year, the Secretary of Defense shall submit an annual report to Congress on the activities of the Council, any of the following:

(A) A statement of the objectives, activities, and accomplishments of the Council.

(B) An analysis of the progress of the Council toward achieving its goals.

(C) Information on the coordination of the Council with other relevant entities.

(D) The names, titles, and biographical information of the Council members.

(E) The minutes of each meeting of the Council.
"(1) IN GENERAL.—Not later than March 1 each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report on privatized military housing readiness.

"(2) ELEMENTS.—Each report under this subsection shall include the following:

"(A) An assessment of the adequacy and effect of the provision of privatized military housing and the activities of the Department of Defense in meeting the needs of military families relating to housing during the preceding fiscal year.

"(B) A description of activities of the Council during the preceding fiscal year, including—

"(i) analyses of complaints of tenants of housing units;

"(ii) data received by the Council on maintenance response time and completion of maintenance requests relating to housing units;

"(iii) assessments of dispute resolution processes;

"(iv) assessments of overall customer service for tenants;

"(v) assessments of results of housing inspections conducted with and without notice;

"(vi) any survey results conducted on behalf of or received by the Council.

"(C) Recommendations on actions to be taken to improve the capability of the provision of privatized military housing and the activities of the Department of Defense to meet the needs and requirements of military families relating to housing, including actions relating to the allocation of funding and other resources.

"(D) PUBLIC AVAILABILITY.—Each report under this subsection shall be available in a publicly accessible format on a website of the Department of Defense.

"(2) PRIVATIZED MILITARY HOUSING.—The term ‘privatized military housing’ means housing provided under subchapter IV of chapter 169 of this title.

"(a) CONSIDERATION.—The Secretary, to carry out the conveyance under subsection (a), including survey costs, appraisal costs, and有兴趣于被任何军事部门支付的任何财产。
expanding the ability to remove unexploded ordinance during construction; 
(4) required enhancements to potable water supplies and sewer systems to sustain expected increases in Department of Defense employees, military, supporting personnel, and dependents; 
(5) needed civilian roadway rehabilitation efforts and enhancements to support increased traffic and heavy equipment movements; 
(6) advisable commercial airport and seaport rehabilitation and capacity expansion projects that could improve logistical effectiveness and efficiency; 
(7) needed public safety infrastructure needs to provide adequate fire and police services for expected increases in Department of Defense employees, military, supporting personnel, and dependents; 
(8) projected timelines for completion and anticipated phasing for projects; and 
(9) other topics the Secretary deems appropriate to include. 
(c) Form.—The report submitted under subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex. 

SEC. 2862. REPEAL OF REQUIREMENT FOR INTER-AGENCY COORDINATION GROUP OF INSPECTORS GENERAL FOR GUAM REALIGNMENT. 

Section 2833 of the Military Construction Authorization Act for Fiscal Year 2016 (Public Law 114–182; 10 U.S.C. 2833 note) is amended—
(1) in the section heading, by striking “MUTUAL BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND” and inserting “IN”; 
(2) in subsection (a)(1)— 
(A) in the matter preceding subparagraph (A), by striking “cash”; and 
(B) in subparagraph (B), by inserting “and construction” after “The design;” 
(3) in subsection (b), by striking “Contributions” and inserting “Cash contributions;” and 
(4) by amending subsection (e) to read as follows: “(e) Method of Contribution.—Contributions may be accepted under subsection (a) in any of the following forms: “(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States. “(2) Drawing rights on a commercial bank account established and funded by the Republic of Korea, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States. “(3) Cash, which shall be deposited into the account established under subsection (b).”. 

SEC. 2864. MODIFICATION OF QUITCLAIM DEED REQUIREMENTS IN THE UNITED STATES AND THE CITY OF CLINTON, OKLAHOMA. 

(a) In General.—The Secretary of Defense shall abrogate and release the City of Clinton, Oklahoma, or any subsequent grantee, from the conditions specified in subsection (b) for the land specified in subsection (d). 

(b) Modification.—The conditions specified in this subsection are the following: “(1) That during any national emergency declared by the President or Congress, the Department of Defense shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the airport located on that land specified in subsection (d), or of such portion thereof as the President may desire. 

(2) That the Department of Defense shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively, or over which it may have exclusive control or control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession. 

(3) That the Department of Defense shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without aid from the Department. 

(c) Payment of Costs.—The City of Clinton, Oklahoma, or any subsequent grantee, shall pay all costs related to any survey, legal description, contract modification, or deed modification necessary to carry out subsection (a). 

(d) Land Specified.—The land specified in this subsection— 
(1) is the land owned or maintained by the Department of Defense that is— 
(A) adjacent to the City of Clinton Spaceport covered within the Quitclaim deed dated January 27, 1949, between the United States and the City of Clinton, Oklahoma; 
(B) east of the Clinton Sherman Airport with— 
(i) northern boundary of Sooner Drive between 7th Street and 2nd Street; 
(ii) southern boundary of East 1160 Road extending from 2nd Street past Little Elk Creek; 
(iii) western boundary running parallel to 2nd Street; and 
(iv) western boundary extending past Little Elk Creek to Woodland Street; and 
(C) encompassing the Greens Burns Flat Golf Course; 
(2) does not include— 
(A) the Clinton Sherman Airport or runway; or 
(B) any land west of 2nd Street adjacent to the Oklahoma Space Industry Development Authority maintenance building or its surrounding support west of 2nd Street. 

SEC. 2865. PROHIBITION ON JOINT USE OF HOME-STEAD AIR RESERVE BASE WITH CIVIL AVIATION. 

On or before September 30, 2026, the Secretary of the Air Force may not enter into an agreement that would provide for or permit the joint use of Homestead Air Reserve Base, Homestead, Florida, by the Air Force and civil aviation. 

SEC. 2866. INCLUSION OF INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS IN DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM. 

Section 239(d) of title 10, United States Code, is amended by striking paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and by inserting after paragraph (4) the following new paragraph (6): “(6) In selecting community infrastructure projects to receive assistance under this subsection, the Secretary shall consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2815).” 

SEC. 2867. PROCUREMENT OF ELECTRIC, ZERO EMISSION, ADVANCED-BIOFUEL-POWERED, OR HYDROGEN-POWERED VEHICLES FOR THE DEPARTMENT OF DEFENSE. 

(a) Procurement Requirement.— “(1) In General.—Section 2922g of title 10, United States Code, is amended to read as follows: “2922g. Procurement of electric, zero emission, advanced-biofuel-powered, or hydrogen-powered vehicles “(a) Requirement.—Except as provided in subsection (b), all covered nontactical vehicles purchased or leased by or for the use of the Department of Defense shall be— “(1) an electric or zero emission vehicle that uses a charging connector type (or other means to transmit electricity to the vehicle) that meets applicable industry accepted standards for interoperability and safety; “(2) an advanced-biofuel-powered vehicle; or “(3) a hydrogen-powered vehicle. “(b) Relation to Other Vehicle Technologies That Reduce Consumption of Fossil Fuels.—Notwithstanding the requirement under subsection (a), the Secretary of Defense may authorize the purchase or lease of covered nontactical vehicles that are not described in such subsection if the Secretary determines, on a case by case basis, that— “(1) the technology used in the vehicles to be purchased or leased reduces the consumption of fossil fuels compared to vehicles that use conventional internal combustion technology; “(2) the purchase or lease of such vehicles is consistent with the energy performance goals and plan of the Department of Defense required by section 2921 of this title; and “(3) the purchase or lease of vehicles described in subsection (a) is impracticable under the circumstances. “(c) Waiver.— “(1) In General.—The Secretary of Defense may waive the requirement under subsection (a). 
“(2) Nondelegation.—The Secretary of Defense may not delegate the waiver authority under paragraph (1). 
“(d) Definitions.—In this section: “(1) Advanced-biofuel-powered vehicle.—The term ‘advanced-biofuel-powered vehicle’ includes a vehicle that uses a fuel described in section 9001(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8131(3)(A)). “(2) Covered nontactical vehicle.—The term ‘covered nontactical vehicle’ means any vehicle “(A) that is not a tactical vehicle designed for use in combat; and “(B) that is purchased or leased by the Department of Defense pursuant to a contract entered into, renewed, modified, or amended on or after October 1, 2030. “(3) Hydrogen-powered vehicle.—The term ‘hydrogen-powered vehicle’ means a vehicle that uses hydrogen as the main source of motive power, either through a fuel cell or internal combustion. “(2) Clerical Amendment.—The table of sections at the beginning of subchapter II of chapter 173 of such title is amended by striking the item relating to section 2922g and inserting the following new item: “2922g. Procurement of electric, zero emission, advanced-biofuel-powered, or hydrogen-powered vehicles. “(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2030.”
DIVISION C—DEPARTMENT OF ENERGY
NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS
TITLE XXXI—DEPARTMENT OF ENERGY NUCLEAR SECURITY AUTHORITY
NATIONAL SECURITY PROGRAMS
Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 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 23-D-516 Energetic Materials Characterization Facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $19,000,000.

Project 23-D-517, Electrical Power Capacity Upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $24,000,000.

Project 23-D-518, Plutonium Modernization Operating Area, West Area Office Building, Los Alamos National Laboratory, Los Alamos, New Mexico, $48,500,000.

Project 23-D-519, Special Materials Facility, National Nuclear Security Complex, Oak Ridge, Tennessee, $9,500,000.

Project 23-D-533, Component Test Complex Project, Bettis Atomic Power Laboratory, West Area, Pennsylvania, $57,120,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 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 23-D-402, Calcline Construction, Idaho National Laboratory, Idaho Falls, Idaho, $6,000,000.


SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 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 2023 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. WORKFORCE ENHANCEMENT FOR NATIONAL SECURITY ENTERPRISE ADMINISTRATION.

(a) FIXED-TERM APPOINTMENT FOR ADMINISTRATOR FOR NUCLEAR SECURITY.—

(1) Fixed-term appointment of the Administrator for Nuclear Security (42 U.S.C. 7132(c)) is amended—

(A) in paragraph (1)—

(i) by inserting ‘‘(A) after ‘(1)’’; and

(ii) by striking ‘‘(ii)’’ be appointed; and inserting the following: ‘‘(ii) be appointed by the President, by and with the advice and consent of the Senate; and

(iii) serve—’’;

(B) by adding at the end the following: ‘‘(B) A person appointed to serve as the Under Secretary for Nuclear Security may continue to serve in that position after the expiration of the person’s term under subparagraph (A)(ii) until a successor is appointed, by and with the advice and consent of the Senate.’’;

(C) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following new paragraph (2):

‘‘(2) The Under Secretary for Nuclear Security shall be compensated at the rate provided for at levels 5 through 9 of the Executive Schedule under section 5314 of title 5, United States Code.’’;

(b) OPERATIONS OF MANUFACTURING FACILITIES.—The Administrator for Nuclear Security shall—

(1) accelerate the modernization of manufacturing processes for depleted uranium so that the nuclear security enterprise—

(A) maintains the ability to design, develop, and maintain critical components using net shape casting; and

(B) manufactures, on a repeatable and on-going basis, war reserve depleted uranium components without the use of phase casting; and

(2) the results of the assessment described in subsection (b)(1).
over the projected lifetime of the warhead, including by—
(1) acting as an external reviewer of the Mark 21A fuse, including by reviewing—
(A) the design of the fuse; (B) the quality of manufacturing and parts; and
(C) the life availability of components;
(2) developing and supporting the Air Force on strategies to mitigate technical and schedule fuse risks; and
(3) otherwise ensuring the expertise of the National Nuclear Security Administration, the Air Force, and Los Alamos National Laboratory, Los Alamos, New Mexico; and
(a) CONFESSION.—If the Secretary identifies, in a report to the congressional defense committees, that the purchase of real property may be expended at the end the following new paragraph:
(1) in subsection (c)(1)(M)(ii), by inserting "even-numbered" each place it appears and inserting "odd-numbered"; and
(2) by inserting "2016" each place it appears and inserting "2023";
(b) COMMISSION.—In subsection (a), by striking "2019" and inserting "2025"; and
(b) CONVEYANCE OR TRANSFER.—If the Secretary determines are non-operational as of September 30, 2022, the Secretary may convey to Los Alamos Council for Transfers of Parcels of Land to Be Conveyed to Los Alamos Council for Transfers from the Government to the Office of Defense. Conveyance or transfer of parcels of real property.
(a) IN GENERAL.—Subtitle E of the Atomic Energy Defense Act (50 U.S.C. 2792) is amended by adding at the end the following new section:
(1) in subsection (a)(1), by inserting "be-
(a) IN GENERAL.—The term "covered parcel of land" means a parcel of land—
(1) under the jurisdiction or administrative control of the Secretary of Energy; (2) located on the property of Los Alamos National Laboratory, Los Alamos, New Mexico; and (3) that the Secretary identified, in a report submitted to the congressional defense committees before the date of the enactment of this Act, as suitable for conveyance or transfer to Los Alamos County.
SEC. 3116. USE OF ALTERNATIVE TECHNOLOGIES TO ELIMINATE PRODUCTION THREATS AT VULNERABLE SITES.
Section 212 of the Atomic Energy Defense Act (50 U.S.C. 2569) is amended—
SEC. 3117. UNAVAILABILITY TO PLAN FOR DEACTIVATION AND DECOMMISSIONING OF NON-OPERATIONAL DEFENSE NUCLEAR FACILITIES.
Section 4232 of the Atomic Energy Defense Act (50 U.S.C. 2603) is amended—
(1) by striking "even-numbered" each place it appears and inserting "odd-numbered";
(2) by striking "2016" each place it appears and inserting "2023";
(3) in subsection (a), by striking "2019" and inserting "2025"; and
(b) by striking "determines"— and all that follows and inserting "determines are non-operational as of September 30, 2022.";
(c) by striking (d)(4), by striking "2018" and inserting "2024"; and
(d) by striking (e), by striking "2026" and inserting "2031".
Subtitle C—Budget and Financial Management Matters
SEC. 3121. MODIFICATION OF COST BASELINES FOR INDIRECT COSTS.
Section 4719(a) of the Atomic Energy Defense Act (50 U.S.C. 2753a) is amended—
SEC. 3123. PURCHASE OF REAL PROPERTY.
SEC. 3127. LIMITATION ON USE OF FUNDS FOR NUCLEAR WEAPONS PRODUCTION FACILITIES ADVANCED MANUFACTURING DEVELOPMENT.
(a) IN GENERAL.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the National Nuclear Security Administration for advanced manufacturing development, the Administrator for Nuclear Security may authorize an amount, not to exceed 5 percent of such funds, to be used by the director of a nuclear weapons production facility to engage in research, development, and demonstration activities not to maintain and enhance the engineering and manufacturing capabilities at such facility.
(b) NUCLEAR WEAPONS PRODUCTION FACILITIES.—In this section, the term "nuclear weapons production facility" means any of the following:
(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 3264 the following new item:
"Sec. 3265. Use of funds for the purchase of options to purchase or lease real property.
SEC. 3124. DETERMINATION OF STANDARDIZED INDIRECT COST ELEMENTS DEFINED.
(a) IN GENERAL.—Not later than March 31, 2025, the Deputy Chief Financial Officer of the Department of Energy shall, in consulta-
(b) REPORT.—Not later than 90 days after the date that the determination required by subsection (a) is made, the Deputy Chief Fi-
(f) the life availability of components.
(g) INDUSTRIAL PRODUCTS.—In determining the nature of the race of such purchase,
{}
(1) The Kansas City National Security Campus, Kansas City, Missouri, and any related satellite location.
(3) The Pantex Plant, Amarillo, Texas.
(4) The Savannah River Site, Aiken, South Carolina.

Subtitle D—Other Matters

SEC. 3131. REPEAL OF OBSOLETE PROVISIONS OF THE ATOMIC ENERGY DEFENSE ACT AND OTHER PROVISIONS.

(a) REPEAL OF PROVISIONS OF THE ATOMIC ENERGY DEFENSE ACT.

(1) Title XIII of the Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended—

(A) in title XIII—

(i) in subsection A, by striking section 4215; and

(ii) in subsection B, by striking section 4235; and

(B) in title XIV—

(i) in subsection A, by striking section 4403; and

(ii) in subsection C, by striking sections 4444, 4445, and 4446; and

(iii) in subsection D, by striking section 4545.

(2) CLERICAL AMENDMENT.—The table of contents of the Atomic Energy Defense Act is amended by striking the items relating to sections 4215, 4235, 4403, 4444, 4445, and 4446.

(b) REPEAL OF OTHER PROVISIONS.—

(1) AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.—Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (50 U.S.C. 2568) is repealed.

(2) SILK ROAD INITIATIVE; NUCLEAR NONPROLIFERATION FELLOWSHIPS.—Sections 3133 and 3135 of the National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2570, 2571) are repealed.


TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2023, $41,401,400 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. DELEGATION OF AUTHORITY TO CHAIRPERSON OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

Section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended by striking subsection (e) and inserting the following:

’’(e) QUORUM.—If any authority of the Board has been delegated under paragraph (A) or (B), the authorities of the Board due to vacancy or incapacity of a member of the Board, the authorities of the Board under subparagraph (A); and

’’(i) the Chairperson exercises such authority; or

’’(ii) the Chairperson initiates an investigation or issues a recommendation to the Secretary of Energy;’’.

TITLE XXXV—MARITIME MATTERS

Subtitle A—Short Title; Authorization of Appropriations for the Maritime Administration

SEC. 3501. SHORT TITLE.

This title may be cited as the ‘‘Maritime Administration Authorization Act for Fiscal Year 2023’’.

SEC. 3502. AUTHORIZATION OF APPROPRIATIONS FOR THE MARITIME ADMINISTRATION.

(a) MARITIME ADMINISTRATION.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2023, for programs associated with maintaining the United States Merchant Marine, the following amounts:

(1) For expenses necessary to support the United States Merchant Marine Academy, $127,438,000, of which—

(A) $87,848,000 shall be for Academy operations;

(B) $22,000,000 shall be for facilities maintenance and repair and equipment; and

(C) $3,000,000 shall be for training, staffing, retention, recruiting, and contract management for United States Merchant Marine Academy capital improvement projects.

(2) For expenses necessary to support the State maritime academies, $80,700,000, of which—

(A) $2,400,000 shall be for the Student Incentive Program;

(B) $6,000,000 shall be for direct payments for State maritime academies;

(C) $6,800,000 shall be for training ship fuel assistance; and

(D) $8,080,000 shall be for offsetting the costs of training ship sharing; and

(E) $30,500,000 shall be for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Vessel Program, including funds for construction and necessary expenses to construct shoreside infrastructure to support such vessels, $75,000,000.

(4) For expenses necessary to support Maritime Administration operations and programs, $101,250,000, of which—

(A) $13,000,000 shall be for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code;

(B) $1,330,000 shall be for the Marine Highways Program, including to make grants as authorized under section 55601 of title 46, United States Code; and

(C) $87,533,000 shall be for headquarters operations expenses.

(5) For expenses necessary for the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $6,000,000.

(6) For expenses necessary to maintain and preserve a fleet of merchant vessels documented under chapter 121 of title 46, United States Code, to serve the national security needs of the United States, as authorized 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 for the cost (as defined in section 53403(c) of the Federal Credit Reform Act of 1990) of loan guarantees under the program; and

(B) $3,000,000 may be for administrative expenses relating to loan guarantee commitments under the program.

(b) INCREASE IN NUMBER OF VESSELS.—Section 53403(c) of title 46, United States Code, is amended by striking ‘‘10’’ and inserting ‘‘12’’.

Subtitle B—General Provisions

SEC. 3511. STUDY TO INFORM A NATIONAL MARITIME STRATEGY.

(a) IN GENERAL.—The Secretary of Transportation and the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with a studies and analysis federally funded research and development center under which such federally funded research and development center shall conduct a study of the key elements and objectives needed for a national maritime strategy. The strategy shall address national objectives, as described in section 50101 of title 46, United States Code, to ensure—

(1) a capable, commercially viable, militarily useful fleet of a sufficient number of merchant vessels documented under chapter 121 of title 46, United States Code;

(2) a robust United States mariner workforce as described in section 50101 of title 46, United States Code;

(3) strong United States domestic shipbuilding infrastructure, and related shipbuilding and repair capacity; and

(4) that the Navy Fleet Auxiliary Force, the National Defense Reserve Fleet, the Military Sealift Command, the Maritime Security Program under chapter 531 of title 46, United States Code, the Tanker Security...
Program under chapter 534 of title 46, United States Code, and the Cable Security Program under chapter 532 of title 46, United States Code, currently meet the economic and national security needs of the United States and would reliably continue to meet those needs under future economic or national security emergencies.

(b) Following an initial review of the study conducted under subsection (a), the Secretary of Transportation, in consultation with the Secretary of Defense, shall—

(1) update the national maritime strategy required by section 603 of the Howard Coble Coast Guard and Transportation Act of 2014 (Public Law 113–281);

(2) submit a report to Congress containing the updated national maritime strategy, and

(3) make the updated national maritime strategy publicly available on the website of the Department of Transportation.

(c) IMPLEMENTATION PLAN.—Not later than 6 months after completion of the study conducted under subsection (a), the Secretary of Transportation, in consultation with the Secretary of the Department in which the Coast Guard is operating and the Commander of the United States Transportation Command, shall—

(1) update the national maritime strategy required by section 603 of the Howard Coble Coast Guard and Transportation Act of 2014 (Public Law 113–281);

(2) submit a report to Congress containing the updated national maritime strategy, and

(3) make the updated national maritime strategy publicly available on the website of the Department of Transportation.
(A) designate marine highway routes as extensions of the surface transportation system under section (including through grants, contracts, and cooperative agreements made for the fiscal year); and
(B) subject to the availability of appropriations, make grants or enter into contracts or cooperative agreements under subsection (c).

(2) PROGRAM ACTIVITIES.—In carrying out the Marine Highway Program established under paragraph (1), the Maritime Administrator shall—

(A) coordinate with ports, State departments of transportation, localities, other public entities, and the private sector on the development of landside facilities and infrastructure to support marine highway transportation;

(B) establish performance measures for such Marine Highway Program; and

(C) collect and disseminate data for the designation and delineation of marine highway routes under subsection (b).

(3) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for designation or modification of a marine highway route as an extension of the surface transportation system if—

(A) such a designation or modification is required by the Secretary; and

(i) the government of a State or territory;

(ii) a metropolitan planning organization;

(iii) a port authority;

(iv) a Tribal government; and

(B) the Maritime Administrator determines such marine highway route satisfies at least one covered function under subsection (d).

(4) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for designation or modification of a marine highway route under paragraph (1), the Maritime Administrator shall make a determination of whether to make the requested designation or modification.

(5) NOTIFICATION.—Not later than 14 days after the date on which the Maritime Administrator makes a determination whether to make the requested designation or modification, the Maritime Administrator shall send the requestor a notification of the determination.

(6) MAP.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2023, and thereafter each time a marine highway route is designated or modified, the Administrator shall post a Notice of Funding Opportunity regarding grants, contracts, and cooperative agreements made for the fiscal year concerned.

(B) TRIBAL AND RURAL AREAS.—The Maritime Administrator may increase the Federal share of service costs above 80 percent for a service located in a Tribal or rural area.

(C) TRIBAL GOVERNMENT.—The Maritime Administrator may increase the Federal share of service costs above 80 percent for a service benefiting a Tribal government.

(7) NON-FEDERAL SHARE.—

(A) IN GENERAL.—An applicant shall provide not less than 20 percent of the costs from non-Federal sources, except as provided in subparagraph (B).

(B) FEDERAL AND RURAL AREAS.—The Maritime Administrator may increase the Federal share of service costs above 80 percent for a service located in a Tribal or rural area.

(8) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding paragraph (6), amounts awarded under this subsection that are not expended by the recipient within 3 years after obligation of funds or that are returned under paragraph (10)(C) shall remain available to the Maritime Administrator to make grants and enter into contracts and cooperative agreements under this subsection.

(9) ADMINISTRATIVE COSTS.—Not more than 3 percent of the total amount made available for a grant or contract under this subsection for any fiscal year may be used for the necessary administrative costs associated with grants, contracts, and cooperative agreements made under this subsection.

(10) PROCEEDURAL SAFEGUARDS.—The Maritime Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure—

(A) amounts made available to carry out this subsection are used for the purposes for which they were made available;

(B) recipients of funds under this subsection (including through grants, contracts, or cooperative agreements) have properly accounted for all expenditures of such funds; and

(C) any such funds that are not obligated or expended for the purposes for which they were made available are returned to the Administrator.

(11) CONDITIONS ON PROVISION OF FUNDS.—The Maritime Administrator may not award funds to an applicant under this subsection unless the Maritime Administrator determines that—

(A) sufficient funding is available to meet the non-Federal share requirement of paragraph (7);

(B) the marine highway service for which such funds are provided will be completed without unreasonable delay; and

(C) the project is consistent with existing or planned infrastructure and intermodal facilities, key transportation corridors, and other governmental entities (including Tribal governments), as applicable; and

(V) the estimated volume of passengers, if applicable, or cargo using the service, and predicted changes in such volume during the 5-year period following the date of the application; and

(VI) the need for the service; and

(VII) the methodology for implementing the service, including a description of the proposed operational framework of the service including the origin, destination, and any integration steps on the route, transit times, vessel types, and service frequency; and

(VIII) any existing programs or arrangements that can be used to supplement or leverage assistance under the program; and

(V) the determination, to the satisfaction of the Maritime Administrator, that—

(I) the marine highway service is financially viable;

(ii) the funds or other assistance provided under this subsection will be spent or used efficiently;

(III) a market exists for the services of the proposed marine highway service, as evidenced by contracts or written statements of intent from potential customers; and

(IV) the funds or other assistance provided under this subsection will be spent or used efficiently; and

(V) the determination, to the satisfaction of the Maritime Administrator, that—

(I) the marine highway service is financially viable;

(ii) the funds or other assistance provided under this subsection will be spent or used efficiently;
“(c) the recipient of such funds has authority to implement the proposed marine highway service;

(d) COVERED FUNCTIONS.—A covered function under this subsection is one of the following:
(1) Promotion of marine highway transportation;
(2) Provision of a coordinated and capable alternative to landside transportation;
(3) Mitigation or relief of landside congestion;
(e) PROHIBITED USES.—Funds awarded under this section may not be used to—
(1) raise sunken vessels, construct buildings or facilities, operate a service, or remove land unless such activities are necessary for the establishment or operation of a marine highway service implemented using grant funds consistent with a contract or cooperative agreement entered into under subsection (c); or
(2) improve port or land-based infrastructure outside the United States;
(f) GEOGRAPHIC DISTRIBUTION.—In making grants, contracts, and cooperative agreements under this section the Maritime Administrator shall take such measures so as to ensure an equitable geographic distribution of funds.
(g) AUDITS AND EXAMINATIONS.—All recipients (including recipients of grants, contracts, and cooperative agreements) under this section shall maintain such records as the Maritime Administrator may require and make such records available for review and audit by the Maritime Administrator.
(2) RULES.—
(a) FINAL RULE.—Not later than 1 year after the date of enactment of this title, the Secretary of Transportation shall prescribe such final rules as are necessary to carry out the amendments made by this subsection.
(b) INTERIM RULES.—The Secretary of Transportation may prescribe temporary interim rules necessary to carry out the amendments made by this subsection. For this purpose, the Maritime Administrator, in prescribing rules under this subparagraph, is excepted from compliance with the notification and comment requirements of section 556 of title 5, United States Code, prior to the effective date of the interim rules. All interim rules prescribed under the authority of this subparagraph shall not contain comment and remain in effect until such time as the interim rules are superseded by a final rule, following notice and comment.
(3) DEFINITIONS.—The requirements under section 55601 of title 46, United States Code, as amended by this subsection, shall take effect only after the interim rule described in subparagraph (B) is promulgated by the Secretary.
(d) MULTISTATE, STATE, AND REGIONAL TRANSPORTATION PLANNING.—Chapter 556 of title 46, United States Code, is amended by inserting after section 55602 the following:
"SEC. 55603. MULTISTATE, STATE, AND REGIONAL TRANSPORTATION PLANNING.
(a) IN GENERAL.—The Maritime Administrator, in consultation with the heads of other appropriate Federal departments and agencies, State and local governments, and appropriate private sector entities, may develop strategies to encourage the use of marine highway transportation for the transportation of passengers and cargo.
(b) STRATEGIES.—If the Maritime Administrator develops the strategies described in subsection (a), the Maritime Administrator may—
(1) assess the extent to which States and local governments include marine highway transportation and other marine transportation solutions for regional and interstate transport of freight and passengers in transportation plans; and
(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate marine highway transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in transportation planning; and
(3) encourage groups of States and multistate transportation entities to determine how marine highway transportation can address congestion, bottlenecks, and other interstate transportation challenges, including the lack of alternative surface transportation options.
(c) RESEARCH ON MARINE HIGHWAY TRANSPORTATION.—Section 55604 of title 46, United States Code, is amended—
(1) by redesignating paragraphs (1) through (3) as paragraphs (4) through (6), respectively; and
(2) by inserting before paragraph (4), as redesignated by paragraph (1), the following new paragraphs:
(1) the economic importance of marine highway transportation to the United States economy;
(2) the importance of marine highway transportation to rural areas, including the lack of alternative surface transportation options;
(3) United States regions and territories, and within-region areas, that do not yet have marine highway services underway, but that could benefit from the establishment of marine highways;
(f) DEFINITIONS.—Section 55605 of title 46, United States Code, is amended to read as follows:
"§ 55605. Definitions
"In this chapter—
"(1) the term ‘marine highway transportation’ means the carriage by a document- vessel of cargo (including such cargo and passengers, and such cargo—
(A) is—
(i) contained in intermodal cargo containers and loaded by crane on the vessel;
(ii) loaded on the vessel by means of wheeled technology, including roll-on roll-off cargo;
(iii) shipped in discrete units or packages that are handled individually, palletized, or unitized for purposes of transportation;
(iv) bulk, liquid, or loose cargo loaded in tanks, holds, hoppers, or on deck;
(v) freight vehicles carried aboard container ferry boats; and
(B) is—
(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada or Mexico; or
(ii) loaded at a port in Canada or Mexico and unloaded at a port in the United States;
(2) the term ‘marine highway service’ means a planned or contemplated new service, or expansion of an existing service, on a marine highway route, that seeks to provide new modal choices to shippers, offer more desirable, less expensive, or less costly transportation costs, or provide public benefits;
(3) the term ‘marine highway route’ means a route on commercially navigable coastal, inland, or intracoastal waters of the United States, including connections between the United States and a port in Canada or Mexico, that is designated under section 55600b;
(4) the term ‘Tribal Government’ means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, council, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act in the Directory of Federal Recognition Authority Act for Fiscal Year 2023 pursuant to section 104 of the Federally Recognized Indian Tribes Act of 1994 (25 U.S.C. 5311); and
(5) the term ‘Alaska Native Corporation’ has the meaning given the term ‘Native Corporation’ under section 10 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)."
(g) TECHNICAL AMENDMENTS.—
(1) CLERICAL.—The amendments made by chapter 556 of title 46, United States Code, are—
(A) by striking the items relating to section 55601 and inserting the following:
"55601. United States Marine Highway Program.

(B) by inserting after the items relating to section 55602 the following:
"55603. Multistate, State, and regional transportation planning.

(C) by striking the items relating to section 55605 and inserting the following:
"55605. Definitions.

(d) TITLE.—Section 55601 of title 46, United States Code, is amended in paragraph (5)(A)—
(1) in clause (1), by inserting ‘and’ after the semicolon; and
(2) by striking clause (3).
SEC. 3522. GAO REVIEW OF EFFORTS TO SUPPORT AND GROW THE UNITED STATES MERCHANT FLEET.
Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa- tives that examines United States Govern- ment efforts to promote the growth and modernization of the United States mariti- time industry, and the vessels of the United States Code, including the overall ef- ficiency of United States Government finan- cial support and policies, including the Cap- ital Construction Fund, Construction Re- serve Fund, and other eligible loan, grant, or other programs.
SEC. 3523. GAO REVIEW OF FEDERAL EFFORTS TO ENHANCE PORT INFRASTRUCTURE RESILIENCE AND DISASTER PREPAREDNESS.
Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa- tives that examines United States Govern- ment efforts to promote the growth and modernization of the United States marine transportation, ferries, and other marine trans- portation, including how to communicate such information in the event of a natural disaster, including how to communicate such information to ports in enhancing the resiliency of their key intermodal connectors to weather-re- lated disasters. The report shall include con- sideration of the following:
(1) Actions being undertaken at various ports to better identify critical land-side connectors that may be vulnerable to disrupt- ing the event of a natural disaster, in- cluding how to communicate such informa- tion during a disaster when communications systems may be compromised, and the level of Federal involvement in such efforts.
(2) The extent to which the Department of Transportation and other Federal agencies are working in line with recent recommenda- tions from key resiliency reports, including the National Academies of Science study on strengthening supply chain resilience, to es- tablish a framework for ports to follow to in- crease resiliency to major weather-related disruptions before they occur.
(3) The extent to which the Department of Transportation or other Federal agencies have provided funds to ports for resiliency- related projects.
(4) The extent to which Federal agencies have a coordinated approach to helping ports..."
and the multiple State, local, Tribal, and private stakeholders involved, to improve resiliency prior to weather-related disasters.

SEC. 3524. STUDY ON FOREIGN INVESTMENT IN PORT INFRASTRUCTURE.

(a) ASSOCIATION.—Subject to appropriations, the Under Secretary of Commerce for International Trade (referred to in this section as the "Secretary") in coordination with Maritime Administration, the Federal Maritime Commission, and other relevant agencies shall conduct an assessment of the extent to which State, local, Tribal, and other foreign or domestic investments in port infrastructure systems support bunkering activities for liquefied natural gas facilities, and other new marine fuels under development.

(b) CONTENTS.—The report described in subsection (a) shall include:

(1) information about the existing United States infrastructure, in particular the storage, transportation, and transshipment systems, and the potential for deploying new marine fuels under development;

(2) a review of the needed upgrades to United States infrastructure, including storage facilities, bunkering vessels, and transshipment systems, to support the deployment of facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development;

(3) an assessment of the estimated Government investment in this infrastructure and the duration of that investment; and

(4) in consultation with relevant Federal agencies, information on the relevant Federal agencies that would oversee the permitting and construction of bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development.

SEC. 3525. STUDY OF CYBERSECURITY AND NATIONAL SECURITY THREATS POSED BY FOREIGN MANUFACTURED CRANES AT UNITED STATES PORTS.

The Administrator of the Maritime Administration shall—

(1) conduct a study, in consultation with the Secretary of Homeland Security, the Secretary of Defense, and the Under Secretary of Commerce for Cybersecurity and Infrastructure Security Agency, to assess whether there are cybersecurity or national security threats posed by foreign-manufactured cranes at United States ports;

(2) submit, not later than 1 year after the date of enactment of this title, an unclassified report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the House of Representatives; and

(3) if determined necessary by the Administrator, in consultation with the Secretary of Homeland Security or the Secretary of Defense, submit a classified report on the study described in paragraph (1) to the committees described in paragraph (1) and the Appropriations Committees of the House of Representatives.

SEC. 3527. PROJECT SELECTION CRITERIA FOR PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 403(a)(6) of title 46, United States Code, is amended by adding at the end the following:

"(C) CONSIDERATION FOR NONCONTIGUOUS STATES AND TERRESTRIAL PROJECTS.—In considering the criteria under subparagraphs (A)(ii) and (B)(ii) for selecting a project described in paragraph (3), in the case the proposed location is in a noncontiguous State or territory, the Secretary may take into account the geographic isolation of the State or territory and the economic dependence of the State or territory on the proposed project.".

SEC. 3528. INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.

Section 4303(a)(6) of title 46, United States Code, is amended by adding at the end the following:

"(D) INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.—In selecting projects described in paragraph (3) for funding under this subsection, the Secretary may consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1868) that would improve the commercial operations of those seaports.''.

Subtitle D—Maritime Workforce

SEC. 3531. SENSE OF CONGRESS ON MERCHANT MARINE.

It is the sense of Congress that the United States Merchant Marine Academy, State maritime academies, and the United States Merchant Marine Academy to improve the representation of women and underrepresented communities in the next generation of the mariner workforce, including each of the following:

(1) African American.

(2) Hispanic and Latino.

(3) Asian.

(4) American Indian, Alaska Native, and Native Hawaiian.

(5) Pacific Islander.

SEC. 3532. ENSURING DIVERSE MARINER RECRUITMENT.

Not later than 6 months after the date of enactment of this title, the Secretary of Transportation shall develop and deliver to Congress a strategy to assist State maritime academies and the United States Merchant Marine Academy to improve the representation of women and underrepresented communities in the next generation of the mariner workforce, including each of the following:

(a) Development of Strategy.—The Secretary of Transportation, in consultation with the United States Merchant Marine Academy, State maritime academies, civilian nautical schools, and the Secretary of the department in which Coast Guard is operated, shall develop a strategy to ensure that there is an adequate supply of trained United States citizen mariners sufficient to meet the operational requirements of low and zero emission vessels. Implementation of the strategy shall aim to increase the supply of trained United States citizen mariners sufficient to meet the needs of the maritime industry and ensure continuing investment in training for mariners serving on conventional fuel vessels.

(b) Report.—Not later than 6 months after the date the Secretary of Transportation determines that there is commercially viable technology for low and zero emission vessels, the Secretary of Transportation shall submit a report on the strategy developed under subsection (a) and plans for its implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make such report publicly available.

SEC. 3533. LOW EMISSIONS VESSELS TRAINING.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Transportation, in consultation with the United States Merchant Marine Academy, State maritime academies, civilian nautical schools, and the Secretary of the department in which Coast Guard is operated, shall develop a strategy to ensure that there is an adequate supply of trained United States citizen mariners sufficient to meet the operational requirements of low and zero emission vessels. Implementation of the strategy shall aim to increase the supply of trained United States citizen mariners sufficient to meet the needs of the maritime industry and ensure continuing investment in training for mariners serving on conventional fuel vessels.

(b) REPORT.—Not later than 6 months after the date the Secretary of Transportation determines that there is commercially viable technology for low and zero emission vessels, the Secretary of Transportation shall submit a report on the strategy developed under subsection (a) and plans for its implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make such report publicly available.

SEC. 3534. IMPROVING PROTECTIONS FOR MIDSHIPMEN ACT.

(a) SHORT TITLE.—This section may be cited as the "Improving Protections for Midshipmen Act."

(b) SUSPENSION OR REVOCATION OF MERCHANT MARINER CREDENTIALS FOR PERPETRATORS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT.

(1) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

"7704a. Sexual harassment or sexual assault as grounds for suspension or revocation

(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document failed, with respect to a part, within 10 years before the beginning of the suspension or revocation proceedings, is the subject of a substantiated claim of sexual harassment or sexual assault, the certificate of registry, or merchant mariner's document shall be suspended or revoked."
(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within one year before the beginning of the suspension or revocation proceedings, is the subject of a substantiated claim of sexual harassment or sexual assault, the certificate of registry, or merchant mariner’s document shall be revoked.

(c) SUBSTANTIATED CLAIM.—

(1) IN GENERAL.—The term ‘substantiated claim’ means—

(A) a legal proceeding or agency action in any administrative proceeding that determines that committed sexual harassment or sexual assault in violation of any Federal, State, local, or Tribal law or regulation for which all appeals have been exhausted, quashed, or reversed.

(B) a determination after an investigation by the Coast Guard that it is more likely than not the individual committed sexual harassment or sexual assault as defined in subsection (d), if the determination affords appropriate due process rights to the subject of the investigation.

(2) ADDITIONAL REVIEW.—A license, certificate of registry, or merchant mariner’s document shall not be suspended or revoked under subsection (a) or (b) unless the subject has been found and affirmed in accordance with the applicable definition in subsection (d), by an administrative law judge at the same suspension or revocation hearing under this chapter described in subsection (d), if the determination affords appropriate due process rights to the subject.

(d) DEFINITIONS.—

(1) SEXUAL HARASSMENT.—The term ‘sexual harassment’ means any of the following:

(A) Conduct that—

(i) involves unwelcome sexual advances, requests for sexual favors, or verbal or physical contact of a sexual nature; or

(ii) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

(B) Any use or condonement, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a subordinate.

(C) Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any fellow employee of the complainant.

(2) SEXUAL ASSAULT.—The term ‘sexual assault’ means any form of abuse or contact as defined in chapter 199A of title 18.

(e) REGULATIONS.—The Secretary of the Transportation of the Senate and the Committee on Commerce, Science, and Transportation of the House of Representatives jointly shall—

(1) periodically review the efficacy of the program in section 51325(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

(2) establish policies and procedures to ensure that midshipmen are appropriately trained and are able to carry out their duties.

(3) periodically review the efficacy of the program in section 51325(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

(3) DATA-INFORMED DECISIONMAKING.—The data maintained in the data management system under subsection (a) and through the exit interviews under subsection (b) shall be affirmatively referenced and used to inform the creation of new policy or regulation, or changes to any existing policy or regulation, in the areas of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

§ 5126. Student advisory board at the United States Merchant Marine Academy

(a) IN GENERAL.—The Maritime Administrator shall establish at the United States Merchant Marine Academy an advisory board to be known as the Advisory Board to the Secretary of Transportation referred to in this section as the ‘Advisory Board’.

(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, including not fewer than 3 cadets from each class.

(c) APPOINTMENT.—Midshipmen shall serve on the Advisory Board pursuant to appointment by the Maritime Administrator. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of midshipmen at the Academy. The term of membership of a midshipman on the Advisory Board shall be 1 academic year.

(d) REAPPOINTMENT.—The Maritime Administrator may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an additional academic year if the Maritime Administrator determines such reappointment to be in the best interests of the Merchant Marine Academy.

(e) MEETINGS.—The Advisory Board shall meet with the Secretary of Transportation not less than once each academic year to discuss the activities of the Advisory Board. The Advisory Board shall meet in person once each academic year, less than 2 times each academic year to discuss the activities of the Advisory Board.

(f) DUTIES.—The Advisory Board shall—

(i) identify health and wellbeing, diversity, and sexual assault and harassment challenges and other topics considered important by the Advisory Board facing midshipmen at the Merchant Marine Academy, off campus, and while aboard ships during Sea Year or other training opportunities;

(ii) discuss and propose possible solutions, including improvements to culture and leadership development at the Merchant Marine Academy; and

(iii) periodically review the efficacy of the program in section 51325(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

(g) ADVISORY BOARD.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups under subsection (a) and through the exit interviews, to be provided in writing, in person, or both.
§ 51327. Sexual Assault Advisory Council

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Sexual Assault Advisory Council (in this section referred to as the ‘Council’).

(b) MEMBERS.—(1) IN GENERAL.—The Council shall be composed of not fewer than 8 and not more than 14 individuals selected by the Secretary of Transportation from midshipmen who may have graduated within the last 4 years or current midshipmen, midshipmen or alumni who were victims of sexual assault, and midshipmen or alumni who were not victims of sexual assault; and governmental and nongovernmental experts and professionals in the sexual assault field.

(2) EXPERTS INCLUDED.—The Council shall include—

(A) not less than 1 member who is licensed in the field of mental health and has prior experience working as a counselor or therapist providing mental health care to survivors of sexual assault in a victim services agency or organization; and

(B) not less than 1 member who has prior experience developing or implementing sexual assault or sexual harassment prevention and response policies in an academic setting.

(3) RULES REGARDING MEMBERSHIP.—No employee of the Department of Transportation shall be a member of the Council.

(b) COUNCIL PROFESSIONAL RESPONSIBILITIES.—The Council shall comply with the obligations of governmental experts appointed to the Council shall not exceed the number of governmental experts.

(c) DUTIES; AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Council shall meet not less often than semiannually to—

(A) review—

(i) the policies on sexual harassment, dating violence, domestic violence, sexual assault, and stalking under section 51318 of this title;

(ii) the trends and patterns of data contained in the system described under section 51325 of this title; and

(iii) related matters the Council views as appropriate; and

(B) develop recommendations designed to ensure that such policies and other matters conform to best practices in the field of sexual assault and sexual harassment response and prevention.

(2) AUTHORIZED ACTIVITIES.—To carry out this subsection the Council may—

(A) conduct case reviews, as appropriate and only with the consent of the victim of sexual assault or harassment;

(B) develop, in consultation with the Academy, both on campus and during Sea Year;

(C) require an annual survey of faculty and staff assessing the adequacy of mental health resources available to midshipmen, both on-campus and during Sea Year;

(D) require an annual survey of faculty and staff assessing the adequacy of mental health resources necessary to properly implement this subsection.

(3) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Council shall submit a report to Congress on the Council’s findings and related recommendations.

§ 51328. Student support

(a) STUDENT SUPPORT PLAN.—The Maritime Administrator shall provide a Student Support Plan for the United States Merchant Marine Academy, in consultation with relevant mental health professionals in the Federal Government or related industries. Such plan shall—

(A) address the availability of mental health resources available to midshipmen, both on-campus and during Sea Year;

(B) establish a tracking system for suicidal ideations and suicide attempts of midshipmen, which excludes personally identifiable information;

(C) create a mechanism for midshipmen to obtain assistance from a professional care provider virtually; and

(D) require an annual survey of faculty and staff assessing the adequacy of mental health resources for midshipmen of the Academy, both on campus and during Sea Year.

(2) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide a report to Congress on the resources necessary to properly implement this subsection.

§ 51329. Special Victims Advisor

(a) ESTABLISHMENT.—The Secretary shall designate an attorney (to be known as the ‘Special Victims Advisor’) for the purpose of providing legal assistance to any cadet of the Academy who is the victim of an alleged sexual assault or related offense regarding administrative and criminal proceedings related to such offense, regardless of whether the report of that offense is restricted or unrestricted.

(b) CONSULTATION.—The Secretary shall ensure that the attorney designated as the Special Victims Advisor has knowledge of the Uniform Code of Military Justice as well as criminal law.

(3) PRIVILEGED COMMUNICATIONS.—Any communications between a victim of an alleged sex-related offense and the Special Victims Advisor concerning the victim’s capacity as such, shall have the same protection that applicable law provides for confidential attorney-client communications.

(3) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

§ 51328. Student support

(a) STUDENT SUPPORT PLAN.—The Maritime Administrator shall—

(1) establish a tracking system for sexual assault or sexual harassment prevention information managed by the Council;

(2) require an annual survey of faculty and staff of the Academy assessing the inclusiveness of the environment of the Academy; and

(3) require an annual survey of faculty and staff of the Academy assessing the inclusiveness of the environment of the Academy.

(b) COUNCIL PROFESSIONAL RESPONSIBILITIES.—The Council shall comply with the obligations of governmental experts appointed to the Council shall not exceed the number of governmental experts.

(c) DUTIES; AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Council shall meet not less often than semiannually to—

(A) review—

(i) the policies on sexual harassment, dating violence, domestic violence, sexual assault, and stalking under section 51318 of this title;

(ii) the trends and patterns of data contained in the system described under section 51325 of this title; and

(iii) related matters the Council views as appropriate; and

(B) develop recommendations designed to ensure that such policies and other matters conform to best practices in the field of sexual assault and sexual harassment response and prevention.

(2) AUTHORIZED ACTIVITIES.—To carry out this subsection the Council may—

(A) conduct case reviews, as appropriate and only with the consent of the victim of sexual assault or harassment;

(B) develop, in consultation with the Academy, both on campus and during Sea Year;

(C) require an annual survey of faculty and staff assessing the adequacy of mental health resources available to midshipmen, both on-campus and during Sea Year;

(D) require an annual survey of faculty and staff assessing the adequacy of mental health resources for midshipmen of the Academy, both on campus and during Sea Year.

(3) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

§ 51329. Special Victims Advisor

(a) ESTABLISHMENT.—The Secretary shall designate an attorney (to be known as the ‘Special Victims Advisor’) for the purpose of providing legal assistance to any cadet of the Academy who is the victim of an alleged sexual assault or related offense regarding administrative and criminal proceedings related to such offense, regardless of whether the report of that offense is restricted or unrestricted.

(b) CONSULTATION.—The Secretary shall ensure that the attorney designated as the Special Victims Advisor has knowledge of the Uniform Code of Military Justice as well as criminal law.

(3) PRIVILEGED COMMUNICATIONS.—Any communications between a victim of an alleged sex-related offense and the Special Victims Advisor concerning the victim’s capacity as such, shall have the same protection that applicable law provides for confidential attorney-client communications.

(3) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.
(B) in paragraph (3), by adding at the end the following:

"(C) REPLACEMENT.—If a member of the Board is replaced, not later than 60 days after the date of the replacement, the Designated Federal Officer selected under subsection (g)(2) shall notify that member;"

(2) in subsection (d), by inserting "and 2 additional meetings, which may be held in person or virtually" after "Academy"; and

(b) by adding at the end the following:

"(3) SCHEDULING; NOTIFICATION.—When scheduling a meeting of the Board, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the meeting. Members of the Board shall be notified of the date of each meeting not less than 30 days prior to the meeting date;"

(3) in subsection (e), by adding at the end the following:

"(4) STAFF.—One or more staff of each member of the Board may accompany them on Academy visits."

(5) SCHEDULING; NOTIFICATION.—When scheduling a meeting of the Board to the Academy, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the visit. Members of the Board shall be notified of the date of each visit not less than 30 days prior to the visit date; and

(4) in subsection (b)—

(A) by inserting "and ranking member" after "chairman" each place the term appears; and

(B) by adding at the end the following:

"Such staff may attend meetings and may visit the Academy.";

SEC. 3536. MARITIME TECHNICAL ADVANCEMENT ACT.

(a) Short Title.—This section may be cited as the "Maritime Technical Advancement Act of 2022."";

(b) Centers of Excellence for Domestic Maritime Workforce.—Section 516 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "of title";

(2) in subsection (b), by striking "assistance" and inserting "agreements";

(3) by redesignating subsection (c) as subsection (d); and

(4) in subsection (d), by redesignated by paragraph (2), by adding at the end the following:

"(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation."; and

(b) by inserting after subsection (b) the following:

"(4) Grant Program.—

"(1) Definitions.—In this subsection:

"(A) Administrator.—The term 'Administrator' means the Administrator of the Maritime Administration.

"(B) Eligible Institution.—The term 'eligible institution' means an institution that has a demonstrated record of success in training and is—

"(i) a postsecondary educational institution (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2902) that offers a 2-year program of study or a 1-year program of training;

"(ii) a postsecondary vocational institution and training center (as defined under section 106(c) of the Higher Education Act of 1965 (20 U.S.C. 1022(c));

"(iii) a public or private nonprofit entity that offers 1 or more other structured experiential learning training programs for American workers in the United States maritime industry, including a program that is offered by a labor organization or conducted in partnership with a nonprofit organization or 1 or more employers in the maritime industry; or

"(iv) any entity sponsoring a registered apprenticeship program.

"(C) Registered Apprenticeship Program.—The term 'registered apprenticeship program' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 699; 29 U.S.C. 50 et seq.).

"(D) United States Maritime Industry.—The term 'United States maritime industry' means all segments of the maritime-related transportation system of the United States, both in domestic and foreign trade, and in coastal, offshore, and inland waters, as well as non-commercial maritime activities, such as pleasure boating and marine sciences (including all scientific research vessels), and all of the industries that support or depend upon such uses, including—

"(i) vessel construction and repair;

"(ii) vessel design;

"(iii) ship logistics supply;

"(iv) berthing;

"(v) port operations;

"(vi) port intermodal operations;

"(vii) marine terminal operations;

"(viii) vessel design;

"(ix) marine brokerage;

"(x) marine insurance;

"(xi) maritime financing;

"(xii) chartering;

"(xiii) marine-oriented supply chain operations;

"(xiv) offshore industry;

"(xv) offshore wind construction, operation, and repair;

"(xvi) maritime-oriented research and development.

"(2) Grant Authorization.—

"(A) In General.—Not later than 1 year after the date of enactment of the Maritime Technical Advancement Act of 2022, the Administrator shall award maritime career training grants to eligible institutions for the purpose of developing, offering, or improving educational or career training programs for American workers related to the maritime industry.

"(B) Guidelines.—Not later than 1 year after the date of enactment of the Maritime Technical Advancement Act of 2022, the Administrator shall—

"(i) promulgate guidelines for the submission of grant proposals under this subsection; and

"(ii) establish and maintain such guidelines on the website of the Maritime Administration.

"(3) Limitations.—The Administrator may not establish such guidelines under this subsection in an amount that is more than $12,000,000.

"(4) Required Information.—

"(A) In General.—An eligible institution that desires to receive a grant under this subsection shall submit to the Administrator a grant proposal that includes a detailed description of—

"(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that is suited to maritime industry workers; and

"(ii) the extent to which the project for which the grant proposal is submitted will meet the training needs of maritime workers in the community served by the eligible institution, particularly any individuals with a barrier to employment;

"(iii) the extent to which the project for which the grant proposal is submitted fits within an overall strategy plan developed by an eligible community; and

"(iv) any previous experience of the eligible institution in providing maritime educational or career training opportunities available to workers in the community;

"(B) Community Outreach.—In order to be considered by the Administrator, a grant proposal submitted by an eligible institution under this subsection shall—

"(i) demonstrate that the eligible institution—

"(I) reached out to employers to identify—

"(aa) any shortcomings in existing maritime educational or career training programs to meet future employment demand; and

"(bb) any future employment opportunities within the community and the educational and career training skills required for workers to meet the future maritime employment demand; and

"(ii) reached out to other similarly situated institutions in an effort to benefit from any best practices that may be shared with respect to providing maritime educational or career training programs to workers eligible for training; and

"(ii) include a detailed description of—

"(aa) any shortcomings identified under clause (i)(aa) or any maritime educational or career training needs identified under clause (i)(bb); and

"(III) the extent to which employers, including small- and medium-sized firms within the community, have expressed an interest in employing workers who would benefit from the project for which the grant proposal is submitted.

"(5) Criteria for Award of Grants.—Subject to the appropriation of funds, the Administrator shall award a grant under this subsection based on—

"(A) a determination of the merits of the grant proposal submitted by the eligible institution to develop, operate, sustain, and enhance any educational or career training program to meet future demand for training programs; and

"(B) an evaluation of the likely employment opportunities available to workers who complete a maritime educational or career training program that the eligible institution proposes to develop, offer, or improve; and

"(C) an evaluation of the potential for training programs by workers in the community served by the eligible institution, as well as the availability and capacity of existing maritime training programs to meet future demand for training programs; and

"(D) any prior designation of an institution as a Center of Excellence for Domestic Maritime Workforce Training and Education; and

"(E) an evaluation of the previous experience of the eligible institution in providing maritime educational or career training programs.

"(6) Competitive Awards.—

"(A) In General.—The Administrator shall award grants under this subsection to eligible institutions on a competitive basis in accordance with guidelines and requirements established by the Administrator under paragraph (4)."

"(B) Timing of Grant Notice.—The Administrator shall post a Notice of Funding Opportunity regarding grants awarded under this subsection not more than 90 days after the date of enactment of the Appropriations Act for the fiscal year concerned.
(C) TIMING OF GRANTS.—The Administrator shall award grants under this subsection not later than 270 days after the date of the enactment of the appropriations Act for the fiscal year for which the grant is awarded.

(D) APPLICATION OF REQUIREMENTS.—The requirements under subparagraphs (B) and (C) shall not apply until the guidelines required under paragraph (2)(B) have been promulgated.

(E) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding subparagraph (C), amounts awarded to grants under this subsection that are not expended by the grantee shall remain available to the Administrator for use for grants under this subsection.

(F) NOTING COSTS.—Not more than 3 percent of amounts made available to carry out this subsection may be used for the necessary costs of grant administration.

(G) ELIGIBLE USES OF GRANT FUNDS.—An eligible institution receiving a grant under this subsection—

(1) shall carry out activities that are identified as priorities for the purpose of developing, offering, or improving educational or career training programs for the United States maritime industry workforce;

(2) shall provide training to upgrade the skills of the United States maritime industry workforce, including training to acquire covered requirements as well as technical skills needed for jobs in the United States maritime industry; and

(3) may use the grant funds to—

(i) admit additional students to maritime training programs;

(ii) develop, establish, and annually update viable training capacity, courses, and mechanisms to rapidly upgrade skills and perform assessments of merchant marines during time of war or a national emergency, and to increase credentials for domestic or defense needs where training can decrease the gap in the numbers of qualified mariners for sealift;

(iii) provide services to upgrade the skills of United States offshore wind marine service workers who transport, install, operate, construct, erect, repair, or maintain offshore wind components and turbines, including training, curriculum and career pathway development, training, safety and health training, and classroom training;

(iv) expand existing or create new maritime training programs, including through partnerships and memoranda of understandings with

(I) 4-year institutions of higher education;

(II) labor organizations;

(III) registered apprenticeship programs with the United States maritime industry; or

(IV) an entity described in subsection (1) through (III) that has a memorandum of understanding with 1 or more employers in the maritime industry;

(v) establish or expand maritime pathways or expand existing maritime pathways;

(vi) expand existing or create new training programs for transitioning military veterans to careers in the United States maritime industry;

(vii) expand existing or create new training programs that address the needs of individuals who are underemployed, as determined by the Secretary in consultation with the Secretary of Labor, in the United States maritime industry;

(viii) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

(ix) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

(x) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

(xi) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

(xii) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

(xiii) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

(xiv) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

(xv) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

(xvi) in conjunction with employers, organizations a report containing the results of the study under this section.

SEC. 3538. IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.

(a) INSPECTOR GENERAL AUDIT.—The Inspector General of the Department of Transportation shall—

(1) not later than 180 days after the date of enactment of this section, initiate an audit of the Maritime Administration's actions to address the recommendations from the National Academy of Public Administration. The audit shall be conducted not later than 18 months after the date of enactment of this section.

(b) AGREEMENT FOR STUDY BY NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Maritime Administration shall enter into an agreement with the National Academy of Public Administration, as appropriate, to provide such priorities and timelines.

(2) AGREEMENT FOR STUDY BY NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—

(2) how the approach that the United States Merchant Marine Academy has adequate staff who are trained to identify needed capital projects, training requirements, and manage capital improvement projects; and

(b) STUDY.—The Comptroller General shall conduct a study of the United States Merchant Marine Academy Capital Improvement Program. The study shall include an evaluation of—

(1) the actions the United States Merchant Marine Academy has taken to bring the buildings, infrastructure, and other facilities up to standards, and the further actions that are required to do so;

(2) how the approach that the United States Merchant Marine Academy uses to manage its capital assets meets leading practices;

(3) how cost estimates prepared for capital asset projects meet cost estimating leading practices;

(4) whether the United States Merchant Marine Academy identifies and prioritizes capital construction needs, and how that priority relates to the safety, education, and wellbeing of its cadets;

(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Comptroller General shall prepare and submit to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study under this section.

SEC. 3537. STUDY ON CAPITAL IMPROVEMENT PROGRAM AT THE USMA.

(a) FINDINGS.—Congress finds the following:

(1) The United States Merchant Marine Academy campus is nearly 80 years old and many of the buildings have fallen into a serious state of disrepair.

(2) Except for renovations to student barracks in the early 2000s, all of the buildings on campus have exceeded their useful life and need to be replaced or undergo major renovations.

(3) According to the Maritime Administration, since 2011, $234,000,000 has been invested in capital improvements on the campus, but the infrastructure is aging, and the site de- runs, maintenance and building replacement backlogs continue.

(b) STUDY.—The Comptroller General shall conduct a study of the United States Merchant Marine Academy Capital Improvement Program. The study shall include an evaluation of—

(1) the actions the United States Merchant Marine Academy has taken to bring the buildings, infrastructure, and other facilities up to standards, and the further actions that are required to do so;

(2) how the approach that the United States Merchant Marine Academy uses to manage its capital assets meets leading practices;

(3) how cost estimates prepared for capital asset projects meet cost estimating leading practices; and

(4) whether the United States Merchant Marine Academy identifies and prioritizes capital construction needs, and how that priority relates to the safety, education, and wellbeing of its cadets.
the Maritime Administrator, the Inspector General of the Department of Transportation, and the appropriate committees of Congress.

PRIORITY AND IMPLEMENTATION PLAN. —

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Maritime Administration shall prepare a prioritization and implementation plan to assess, prioritize, and address the recommendations identified by the National Academy of Public Administration panel in the November 2021 report entitled “Organizational Assessment of the United States Merchant Marine Academy: A Path Forward” that is the Maritime Administration and not listed in subsection (a)(1).

The prioritization and implementation plan shall—

(A) make use of the strategies, processes, and systems described in subsection (b)(1); (B) include estimated timelines and cost estimates for implementation of priority goals; (C) include summaries of stakeholder and interagency engagement used to assess goals and timelines; and (D) released publicly and submitted to the Inspector General of the Department of Transportation and the appropriate committees of Congress.

ANNEX AND REPORT.—The Inspector General of the Department of Transportation shall—

(A) not later than 180 days after the date of public release of the prioritization and implementation plan described in paragraph (1), initiate an audit of the Maritime Administration’s actions to address the prioritization and implementation plan; (B) monitor the Maritime Administration’s actions to implement recommendations made by the Inspector General’s audit described in paragraph (A) and in an audit of the Maritime Administration’s implementation of National Academy of Public Administration recommendations and periodically initiate subsequent audits of the Maritime Administration’s continued actions to address the prioritization and implementation plan, as the Inspector General determines; and (C) release publicly and submit to the Administrator of the Maritime Administration and the appropriate committees of Congress a report containing the results of the audit once the audit is completed.

REPORT OF PROGRESS.—Not later than 180 days after the date of publication of the prioritization and implementation plan described in paragraph (1) and in paragraph (2), and annually thereafter, the Administrator of the Maritime Administration shall prepare and submit to the Inspector General of the Department of Transportation and the appropriate committees of Congress a report containing the results of the audit performed.

SEC. 353A. SERVICE ACADEMY FACULTY PARITY. — Section 105 of title 17, United States Code, is amended—

(1) in the heading of subsection (b), by striking “CERTAIN OF WORKS” and inserting “CERTAIN WORKS”;

(2) in the first subsection (c), by striking “The Secretary of Defense may” and inserting “The Secretary of Defense or, with respect to the United States Merchant Marine Academy, the Secretary of Transportation, or, with respect to the United States Coast Guard Academy, the Secretary of Homeland Security”;

(3) by redesignating the second subsection (c) as subsection (d), and in subsection (d)(2), as redesignated by paragraph (3), by adding at the end the following:

(M) United States Merchant Marine Academy.

SEC. 3540. UPDATED REQUIREMENTS FOR FISHERIES CONSERVATION AND MANAGEMENT. — Section 10601(b) of title 46, United States Code, is amended—

(1) in paragraph (2), by striking “and” and inserting “or”;

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

(3) by inserting after paragraph (2) the following:

“(3) if the vessel is a catcher processor or fish processing vessel with more than 25 crew, require that the crewmember be served not less than 3 meals a day that total not less than 3,100 calories, including adequate water and minerals in accordance with the United States Recommended Daily Allowances; and

Subtitle E—Technology Innovation and Resilience

SEC. 3541. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM. — Section 3539 of title 46, United States Code, is amended—

(1) in the heading of paragraph (2), by striking “subparagraph (A)” and inserting “subparagraph (A)”; (2) in subsection (b)—

(A) in paragraph (1), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively and adjusting the margins accordingly; and

(B) in clause (iv), as redesignated by clause (i), by striking “propeller cavitation” and inserting “incidental vessel-generated underwater noise, such as from propeller cavitation or hydrodynamic flow”;

(C) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively and adjusting the margins accordingly; and

(D) in subsection (c), by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively and adjusting the margins accordingly;

(3) by redesigning subsections (b) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly;

(4) by redesigning the margins accord
"(B) based in the United States with technical expertise in emerging marine technologies and practices related to the maritime transportation system; and

"(C) in proximity to eligible entities with expertise in United States emerging marine technologies and practices, including the use of alternative fuels and the development of both vessel and shore-side infrastructure.

"(3) COORDINATION.—The Secretary of Transportation shall coordinate with other agencies critical for science, research, and regulation of emerging marine technologies for the maritime sector, including the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Coast Guard, when establishing the Center.

"(4) FUNCTIONS.—The Center shall—

"(A) support eligible entities regarding the development and use of clean energy and necessary infrastructure to support the deployment of clean energy on vessels of the United States;

"(B) monitor and assess, on an ongoing basis, the current state of knowledge regarding emerging marine technologies in the United States;

"(C) identify any significant gaps in emerging marine technologies research specific to the United States maritime industry, and seek to fill those gaps;

"(D) conduct research, development, testing, and evaluation for equipment, technologies, and practices under subsection (a)(2);

"(E) provide—

"(i) technical analysis;

"(iii) assistance with understanding complex regulatory requirements; and

"(iv) documentation of best practices in the maritime industry, including training and informational webinars on solutions for the maritime industry; and

"(F) work with academic and private sector response training centers and Domestic Maritime Workforce Training and Education Centers of Excellence to develop maritime strategies applicable to various segments of the United States maritime industry, including the inland, deep water, and coastal fleets.

SEC. 3542. STUDY ON STORMWATER IMPACTS ON SALMON.

(a) In General.—Not later than 90 days after the date of enactment of this section, the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, and in consultation with the Director of the United States Fish and Wildlife Service, shall commence a study that—

(1) examines the existing science on tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

(2) examines the challenges of studying tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

(3) provides recommendations for improving monitoring of stormwater and research related to run-off for tire-related chemicals and the impacts of such chemicals on Pacific salmon and steelhead at ports; and

(4) provides recommendations based on the best available science on relevant management approaches at ports under their respective jurisdictions.

(b) SUBMISSION OF STUDY.—Not later than 18 months after commencing the study under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall—

(1) submit the study to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, including detailing any findings from the study; and

(2) make such study publicly available.

SEC. 3543. STUDY TO EVALUATE EFFECTIVE VESSEL QUIETING MEASURES.

(a) In General.—Not later than 1 year after the date of enactment of this title, the Administrator of the Maritime Administration, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of the Department in which the Coast Guard is operating, shall submit to the committees identified under subsection (b), and make publicly available on the website of the Department of Transportation, a report that includes, at a minimum—

(1) a review of technology-based controls and best management practices for reducing vessel-generated underwater noise; and

(2) for each technology-based control and best management practice identified, an evaluation of—

(A) the applicability of each measure to various vessel types;

(B) the technical feasibility and economic achievability of each measure; and

(C) the co-benefits and trade-offs of each measure.

(b) COMMITTEES.—The report under subsection (a) shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 3201 and 4024 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1061 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 OR 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 XI—PROCUREMENT

SEC. 4101. PROCUREMENT.

(In Thousands of Dollars)

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<td>STRYKER UPGRADE</td>
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<td>PALADIN INTEGRATED MANAGEMENT (PIM)</td>
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<td><strong>WEAPONS &amp; OTHER COMBAT VEHICLES</strong></td>
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<td>17</td>
<td>MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S</td>
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<td>MORTAR SYSTEMS</td>
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<td>LOCATION &amp; AZIMUTH DETERMINATION SYSTEM (LADS)</td>
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<td>XM20 GRENADE LAUNCHER MODULE (GLM)</td>
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<td>PRECISION SNIPER RIFLE</td>
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<td>NEXT GENERATION SQUAD WEAPON</td>
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<td>M777 MODS</td>
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<td>ITEMS LESS THAN $5M (WOVC-WTCV)</td>
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<td>PRODUCTION BASE SUPPORT (WOVC-WTCV)</td>
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<td><strong>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</strong></td>
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<td>4,164,289</td>
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**PROCUREMENT OF AMMUNITION, ARMY**

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<tr>
<td>1  CTG, 5.56MM, ALL TYPES</td>
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<td>2  CTG, 7.62MM, ALL TYPES</td>
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<td>3  NEXT GENERATION SQUAD WEAPON AMMUNITION</td>
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<tr>
<td>4  CTG, HANDGUN, ALL TYPES</td>
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<td>5  CTG, .50 CAL, ALL TYPES</td>
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<td>6  CTG, 20MM, ALL TYPES</td>
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<td>7  CTG, 25MM, ALL TYPES</td>
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<td>8  CTG, 30MM, ALL TYPES</td>
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<td>9  CTG, 40MM, ALL TYPES</td>
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**MORTAR AMMUNITION**

| 10 | 60MM MORTAR, ALL TYPES | 33,338 | 33,338 |
| 11 | 81MM MORTAR, ALL TYPES | 56,577 | 56,577 |
| 12 | 120MM MORTAR, ALL TYPES | 127,168 | 127,168 |

**TANK AMMUNITION**

| 13 | CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES | 296,943 | 296,943 |

**ARTILLERY AMMUNITION**

| 14 | ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES | 7,647 | 7,647 |
| 15 | ARTILLERY PROJECTILE, 155MM, ALL TYPES | 182,455 | 182,455 |
| 17 | PRECISION ARTILLERY MUNITIONS | 166,334 | 166,334 |
| 18 | ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL MINES | 143,763 | 143,763 |

**MINES**

| 19 | MINES & CLEARING CHARGES, ALL TYPES | 80,920 | 80,920 |

**CLOSE TERRAIN SHAPING OBSTACLE**

| 20 | ROCKET, HYDRA 70, ALL TYPES | 53,579 | 53,579 |

**ROCKETS**

| 21 | SHOULDER LAUNCHED MUNITIONS, ALL TYPES | 18,159 | 18,159 |

**OTHER AMMUNITION**

| 22 | ROCKET, HYDRA 70, ALL TYPES | 171,697 | 171,697 |

| 23 | CAD/PAD, ALL TYPES | 7,643 | 7,643 |
| 24 | DEMOLITION MUNITIONS, ALL TYPES | 29,796 | 29,796 |
| 25 | GRENADES, ALL TYPES | 36,251 | 36,251 |
| 26 | SIGNALS, ALL TYPES | 13,852 | 13,852 |
| 27 | SIMULATORS, ALL TYPES | 9,350 | 9,350 |

**AMMO COMPONENTS, ALL TYPES**

| 29 | ITEMS LESS THAN $5 MILLION (AMMO) | 3,823 | 3,823 |
| 31 | AMMUNITION PECULIAR EQUIPMENT | 13,001 | 13,001 |
| 32 | FIRST DESTINATION TRANSPORTATION (AMMO) | 17,218 | 17,218 |
| 33 | CLOSEOUT LIABILITIES | 101 | 101 |

**PRODUCTION BASE SUPPORT**

<p>| 34 | INDUSTRIAL FACILITIES | 499,613 | 499,613 |
| 35 | CONVENTIONAL MUNITIONS DEMILITARIZATION | 80,970 | 80,970 |
| 36 | ARMS INITIATIVE | 4,039 | 4,039 |</p>
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<td>SEMITRAILERS, FLATBED:</td>
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<td>HI MOB MULTI-PURP WRLD VEH (HMMWV)</td>
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<td>FIRETRUCKS &amp; ASSOCIATED FIREFIGHTING EQUIP</td>
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<td>Army UFR—Anti-Lock Brake System/Electronic Stability Control retrofit kits</td>
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**UNIVERSAL SPARES—C&E**

Inflation effects

8,457,509 | 9,247,438

**AIRCRAFT PROCUREMENT, NAVY**

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**MODIFICATION OF AIRCRAFT**

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**AIRCRAFT SPARES AND REPAIR PARTS**

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<td>SPARES AND REPAIR PARTS</td>
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Navy UFR—aviation outfitting spares in support of carrier airwings [292,700]

USMC UFR—aircraft initial and replenishment spares [104,300]

USMC UFR—KC-130J spares [15,400]

USMC UFR—UC-12W(ER) Beechcraft King Air 350ER initial spares [10,700]

**AIRCRAFT SUPPORT EQUIP & FACILITIES**

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USMC UFR classified issue [99,000]

**UNDISTRIBUTED**

0 | 491,186

Inflation effects [491,186]

**TOTAL AIRCRAFT PROCUREMENT, NAVY**

16,848,428 | 18,459,814

**WEAPONS PROCUREMENT, NAVY**

**MODIFICATION OF MISSILES**

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**SUPPORT EQUIPMENT & FACILITIES**

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**STRATEGIC MISSILES**

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**TACTICAL MISSILES**

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**STANDARD MISSILE**

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Capacity expansion [35,000]

Navy UFR—capacity increase [33,100]

Production increase [45,000]
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** PROCUREMENT OF AMMO, NAVY & MC **

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### SHIPBUILDING AND CONVERSION, NAVY

- **FLEET BALLISTIC MISSILE SHIPS**
  - OHIO REPLACEMENT SUBMARINE: 3,079,223 3,079,223
  - OHIO REPLACEMENT SUBMARINE: 2,778,553 2,778,553

- **OTHER WARSHIPS**
  - CARRIER REPLACEMENT PROGRAM: 1,481,530 1,481,530
  - CVN-61: 1,052,024 1,052,024
  - VIRGINIA CLASS SUBMARINE: 4,534,184 4,534,184
  - VIRGINIA CLASS SUBMARINE: 2,025,651 2,025,651
  - CVN REFUELING OVERHAULS: 618,295 618,295
  - DDG 1000: 72,976 72,976
  - DDG-51: 4,376,537 4,376,537
  - DDG-51: 618,352 618,352

- **AMPHIBIOUS SHIPS**
  - LPD FLIGHT II: 1,673,000 1,673,000
  - LPD FLIGHT II: 0 250,000
  - USMC UFR—Advance procurement for LPD-33: [250,000]

- **AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST**
  - TAO FLEET OILER: 794,719 794,719
  - TOWING, SALVAGE, AND RESCUE SHIP (ATS): 95,915 95,915
  - OUTFITTING: 707,412 707,412
  - SHIP TO SHORE CONNECTOR: 190,433 190,433
  - SERVICE CRAFT: 68,274 91,274
  - Auxiliary personnel lighters barracks craft: [23,000]
  - LCAC SLEP: 36,301 36,301
  - AUXILIARY VESSELS (USED SEALIFT): 140,886 140,886
  - COMPLETION OF PY SHIPBUILDING PROGRAMS: 1,328,146 1,328,146

- **UN DISTRIBUTED**
  - Inflation effects: 0 839,239
  - TOTAL: [839,239]

- **TOTAL SHIPBUILDING AND CONVERSION, NAVY**
  - 27,917,854 29,353,493
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**Next-generation surface search radar**

**CRYPTOGRAPHIC EQUIPMENT**

| 80 | JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE) | 4,699 | 4,699 |

**CARTOGRAPHIC EQUIPMENT**

<p>| 81 | INFO SYSTEMS SECURITY PROGRAM (ISSP) | 156,034 | 156,034 |</p>
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**TOTAL PROCUREMENT, SPACE FORCE**

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**TOTAL PROCUREMENT, SPACE FORCE**

Inflation effects: 106,161

Worldwide Joint Strategic Communications realignment of funds: -7,131
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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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**TOTAL ADVANCED TECHNOLOGY DEVELOPMENT & PROTOTYPES**

**1,392,065**

**1,459,575**
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**Subtotal System Development & Demonstration:** 4,631,334 4,233,234

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OPERATIONAL SYSTEMS DEVELOPMENT

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(Thousand of Dollars)

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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.**

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**SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.**

**UNDISTRIBUTED**

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**Inflation effects**

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Navy UFR—Alternative CONOPS Goalkeeper.

**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.** 865,755 977,055

**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

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Navy UFR—Alternative CONOPS Goalkeeper.

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Silicon carbide power modules .... [11,600]

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Rapid realization of composites for wet submarine application. [15,000]

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**Subtotal Advanced Component Development & Prototypes.**

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(In Thousands of Dollars)

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**SYSTEM DEVELOPMENT & DEMONSTRATION**
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**Subtotal System Development & Demonstration:** 6,438,954

**Management Support:**

- Threat Simulator Development: 21,067
- Major T&E Investment: 44,714 [55,200]
- Air Force UFR—Gulf instrumentation for hypersonics testing: [55,200]
- Air Force UFR—Quick reaction test capability for hypersonics testing: [14,700]
- Air Force UFR—VKF wind tunnel improvements for hypersonics testing: [56,700]
- Major Range and Test Facility Base improvements: [30,000]
- RAND Project Air Force: 37,921
- Small Business Innovation Research: 86
- Initial Operational Test & Evaluation: 13,926
- Test and Evaluation Support: 826,854
- Air Force UFR—EDW/Eglin hypersonics testing: [10,000]
- Air Force UFR—VKF wind tunnel throughput for hypersonics testing: [5,000]
- ACQ Workforce—Global Vig & Combat Sys: 255,995
- Realignment of funds: [28,000]
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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)

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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT:** 23,090,569 23,648,613
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<td>INFORMATION &amp; COMMUNICATIONS TECHNOLOGY. AI/autonomy to cybersecurity and cyberspace operations challenges. National Security Commission on AI recommendations. Underexplored systems for utility-scale quantum computing.</td>
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**SYSTEM DEVELOPMENT & DEMONSTRATION**

**MANAGEMENT SUPPORT**
### Section 4201. Research, Development, Test, and Evaluation

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**SUBTOTAL MANAGEMENT SUPPORT.**

1,830,097 1,830,097

**OPERATIONAL SYSTEMS DEVELOPMENT**

200 0607210D8Z INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT. 588,094 588,094

201 0607310D8Z CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT. 15,427 15,427

202 0607327T GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS). 8,317 8,317

203 0607384BP CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT). 68,030 68,030

209 0302019K DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION. 19,145 19,145

210 0303126K LONG-HAUL COMMUNICATIONS—DCS. 13,195 13,195

211 0303131K MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN). 5,746 5,746

212 0303136G KEY MANAGEMENT INFRASTRUCTURE (KMI). 92,018 92,018

213 0303140D8Z INFORMATION SYSTEMS SECURITY PROGRAM. 43,135 63,135

214 0303140G INFORMATION SYSTEMS SECURITY PROGRAM. [20,000] 593,831 593,831

215 0303140K INFORMATION SYSTEMS SECURITY PROGRAM. 7,005 7,005

216 0303150K GLOBAL COMMAND AND CONTROL SYSTEM. 10,020 10,020

217 0303153K DEFENSE SPECTRUM ORGANIZATION. 19,708 19,708

221 0303430V FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY. 5,197 5,197

226 0305104D8Z DEFENSE INDUSTRIAL BASE (DIB) CYBER SECURITY INITIATIVE. 10,000 10,000

229 0305128V SECURITY AND INVESTIGATIVE ACTIVITIES. 450 450

230 0305133V INDUSTRIAL SECURITY ACTIVITIES. 1,800 1,800

233 0305146V DEFENSE JOINT COUNTER-INTELLIGENCE ACTIVITIES. 4,622 4,622

234 0305172D8Z COMBINED ADVANCED APPLICATIONS. 49,380 49,380

237 0305186D8Z POLICY R&D PROGRAMS .......... 6,214 6,214

238 0305199D8Z NET CENTRICITY ................. 17,917 17,917

240 0305208BB DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS. 6,095 6,095
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SUBTOTAL UNDISTRIBUTED: 0 849,931
## Title XLIII—Operation and Maintenance

### SEC. 4301. Operation and Maintenance

#### (In Thousands of Dollars)

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<td>Army UFR—female/small stature body armor</td>
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## Title XLIII—Research, Development, Test, and Evaluation

### SEC. 4201. Research, Development, Test, and Evaluation

#### (In Thousands of Dollars)

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**VerDate Sep 11 2014 02:30 Oct 12, 2022 Jkt 039060 PO 00000 Frm 00170 Fmt 4624 Sfmt 0634 E:\CR\FM\A11OC6.001 S11OCPT1SSpencer on DSK126QN23PROD with SENATE**
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**SUBTOTAL ADMIN & SRVWIDE ACTIVITIES** | 12,167,256 | 12,412,156 |

**UNDISTRIBUTED** | 0 | 966,592 |
TOTAL OPERATION & MAINTENANCE, ARMY  58,117,556  60,191,137

OPERATION & MAINTENANCE, ARMY RES
OPERATING FORCES
010 MODULAR SUPPORT BRIGADES --------  14,404  14,404
020 ECHELONS ABOVE BRIGADE -----------  662,104  662,104
030 THEATER LEVEL ASSETS ---------------  133,599  133,599
040 LAND FORCES OPERATIONS SUPPORT ---  646,693  646,693
050 AVIATION ASSETS -------------------  128,883  128,883
060 FORCE READINESS OPERATIONS SUPPORT 409,994  409,994
070 LAND FORCES SYSTEMS READINESS -----  90,595  90,595
080 LAND FORCES DEPOT MAINTENANCE -----  44,453  44,453
090 BASE OPERATIONS SUPPORT ----------  567,170  567,170
100 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ........... 358,772  405,192
Increase for FSRM to 100% .................. [46,420]
110 MANAGEMENT AND OPERATIONAL HEADQUARTERS .................... 22,112  22,112
120 CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS ................... 2,929  2,929
130 CYBERSPACE ACTIVITIES—CYBERSECURITY ................. 7,382  7,382
SUBTOTAL OPERATING FORCES ............ 3,089,090  3,135,510

ADMIN & SRVWD ACTIVITIES
140 SERVICEWIDE TRANSPORTATION ........... 19,994  19,994
150 ADMINISTRATION ......................... 20,670  20,670
160 SERVICEWIDE COMMUNICATIONS .......... 31,652  31,652
170 MANPOWER MANAGEMENT .................. 6,852  6,852
180 RECRUITING AND ADVERTISING ........... 61,246  61,246
SUBTOTAL ADMIN & SRVWD ACTIVITIES .... 139,414  139,414

UNDISTRIBUTED
998 UNDISTRIBUTED ........................... 0  51,338
Foreign currency fluctuations ............. [–10,900]
Inflation effects ........................... [62,738]
Unobligated balances ....................... [–500]
SUBTOTAL UNDISTRIBUTED .................. 0  51,338

TOTAL OPERATION & MAINTENANCE, ARMY RES  3,228,504  3,326,262

OPERATION & MAINTENANCE, ARNG
OPERATING FORCES
010 MANEUVER UNITS ....................... 964,237  964,237
020 MODULAR SUPPORT BRIGADES ........... 214,191  214,191
030 ECHELONS ABOVE BRIGADE .............. 820,752  820,752
040 THEATER LEVEL ASSETS ................. 97,184  97,184
050 LAND FORCES OPERATIONS SUPPORT .. 1,169,826  1,169,826
060 AVIATION ASSETS ....................... 54,595  54,595
070 FORCE READINESS OPERATIONS SUPPORT 722,788  722,788
080 LAND FORCES SYSTEMS READINESS ...... 46,580  46,580
090 LAND FORCES DEPOT MAINTENANCE ...... 259,765  259,765
100 BASE OPERATIONS SUPPORT ..........  1,151,215  1,151,215
110 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ......... 1,053,996  1,184,385
Increase for FSRM to 100% .................. [130,389]
120 MANAGEMENT AND OPERATIONAL HEADQUARTERS .................. 1,148,286  1,148,286
130 CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS ............. 8,715  8,715
140 CYBERSPACE ACTIVITIES—CYBERSECURITY ..................... 8,307  8,307
SUBTOTAL OPERATING FORCES ........... 7,720,437  7,850,826

ADMIN & SRVWD ACTIVITIES
150 SERVICEWIDE TRANSPORTATION .......... 6,961  6,961
160 ADMINISTRATION ........................ 73,641  73,641
170 SERVICEWIDE COMMUNICATIONS ........ 100,389  100,389
180 MANPOWER MANAGEMENT ................. 9,231  9,231
190 OTHER PERSONNEL SUPPORT ..........  243,491  243,491
200 REAL ESTATE MANAGEMENT .............  3,087  3,087
SUBTOTAL ADMIN & SRVWD ACTIVITIES .... 436,800  436,800
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## SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)

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## SEC. 4301. OPERATION AND MAINTENANCE (IN THOUSANDS OF DOLLARS)

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## TOTAL OPERATION & MAINTENANCE, NAVY

66,151,951

69,210,487

## OPERATION & MAINTENANCE, NAVY

### OPERATING FORCES

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### TRAINING AND RECRUITING

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### SUBTOTAL TRAINING AND RECRUITING

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1,036,653

## ADMIN & SRVWD ACTIVITIES

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542,162

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Increase for FSRM to 100% | [-25,000]

## TOTAL OPERATION & MAINTENANCE, MARINE CORPS

9,660,944

10,467,809

## OPERATION & MAINTENANCE, MARINE CORPS

### OPERATING FORCES

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## SUBTOTAL OPERATING FORCES

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1,236,771
## SEC. 4301. OPERATION AND MAINTENANCE

### (In Thousands of Dollars)

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## SEC. 4301. OPERATION AND MAINTENANCE

(In Thousands of Dollars)

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**OPERATION & MAINTENANCE, SPACE FORCE OPERATING FORCES**
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## SEC. 4301. OPERATION AND MAINTENANCE

### AF RESERVE

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### ANG OPERATING FORCES

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**SUBTOTAL OPERATING FORCES** | $6,800,298 | $7,029,998 |

### ADMINISTRATION AND SERVICE-WIDE ACTIVITIES

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**SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES** | $100,381 | $100,381 |

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**SUBTOTAL UNDISTRIBUTED** | $0 | $107,863 |

### TOTAL OPERATION & MAINTENANCE, ANG

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**TOTAL OPERATION & MAINTENANCE, DEFENSEWIDE OPERATING FORCES**

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**SUBTOTAL OPERATING FORCES** | $11,007,534 | $11,064,634 |
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### SEC. 4301. OPERATION AND MAINTENANCE

In Thousands of Dollars

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### TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL

In Thousands of Dollars

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### TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS

In Thousands of Dollars

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**TITLE XLVI—MILITARY CONSTRUCTION**

**SEC. 4601. MILITARY CONSTRUCTION**

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## SEC. 4601. MILITARY CONSTRUCTION

### Account  | State/Country and Installation  | Project Title  | FY 2023 Request  | Senate Authorized
--- | --- | --- | --- | ---

| Army  | Louisiana  | Child Development Center  | 32,000  | 32,000 |
| Army  | Maryland  | Cost to Complete: Cantonment Area Roads  | 0  | 17,550 |
| Army  | Mississippi  | Lab and Test Building  | 0  | 20,000 |
| Army  | New York  | Physical Fitness Testing Facility (P&D)  | 0  | 5,300 |
| Army  | North Carolina  | Fort Bragg Schools Modernization (P&D)  | 0  | 7,500 |
| Army  | Oklahoma  | Cost to Complete: Advance Individual Training Complex, Phase 2.  | 0  | 85,800 |
| Army  | Pennsylvania  | Cost to Complete: Ammunition Demolition Shop  | 0  | 39,000 |
| Army  | Texas  | Shipping and Receiving Building  | 38,000  | 38,000 |
| Army  | California  | Powertrain Facility (Engine Assembly)  | 103,000  | 55,000 |
| Army  | Washington  | Fire Station  | 15,000  | 15,000 |
| Army  | worldwide Unspecified  | Unaccompanied Barracks Planning and Design  | 0  | 15,930 |
| Army  | worldwide Unspecified  | Host Nation Support  | 26,000  | 26,000 |
| Army  | worldwide Unspecified  | Planning & Design  | 167,151  | 167,151 |
| Army  | worldwide Unspecified  | Unspecified Minor Military Construction  | 90,414  | 90,414 |
| Army  | worldwide Unspecified  | Cost to Complete: FY22 Inflation Effects  | 0  | 227,570 |
| Army  | worldwide Unspecified  | Cost to Complete: FY23 Inflation Effects  | 0  | 111,300 |
| Army  | worldwide Unspecified  | Inflation & Market Adjustment Fund  | 0  | 142,116 |

### Subtotal Military Construction, Army

845,565 1,927,231

### NAVY

<p>| Navy  | Australia  | PDI: Aircraft Parking Apron (INC)  | 72,446  | 72,446 |
| Navy  | California  | Range Simulation Training &amp; Operations Fac.  | 120,382  | 10,382 |
| Navy  | Marine Corps Air Ground Combat Center Twentynine Palms  | Basilone Road Realignment  | 85,210  | 85,210 |
| Navy  | Marine Corps Base Camp Pendleton  | Child Development Center  | 0  | 32,100 |
| Navy  | Marine Corps Recruit Depot San Diego  | Recruit Barracks  | 0  | 83,200 |
| Navy  | Naval Air Station Lemoore Annex  | F-35C Aircraft Maint. Hangar &amp; Airfield Pave  | 201,261  | 41,261 |
| Navy  | Naval Base Point Loma Annex  | Child Development Center  | 36,450  | 56,450 |
| Navy  | Naval Base San Diego  | Floating Dry Dock Mooring Facility  | 0  | 9,000 |
| Navy  | Naval Surface Warfare Center Corona Division  | Pier 6 Replacement (INC)  | 15,565  | 15,565 |
| Navy  | Naval Surface Warfare Center Corona Division  | Data Science Analytics and Innovation (P&amp;D)  | 0  | 2,845 |
| Navy  | Connecticut  | Performance Assessment Communications Laboratory  | 0  | 15,000 |
| Navy  | Naval Submarine Base New London  | Relocate Underwater Electromagnetic Measure  | 15,514  | 15,514 |</p>
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<tr>
<th>Account</th>
<th>State/Country and Installation</th>
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Subtotal Military Construction, Navy .................................................. 3,752,391 4,489,944

AIR FORCE

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**Subtotal Military Construction, Air Force** .................................................. 2,055,456 3,748,419

**DEFENSE-WIDE**

<p>| Defense-Wide | Alabama | Redstone Arsenal | MSIC Advanced Analysis Facility Phase 2 (INC) | 0 | 15,000 |
| Defense-Wide | California | Redstone Arsenal (Missile and Space Intelligence Center) | Backup Power Generation | 0 | 10,700 |
| Defense-Wide | California | Naval Base Coronado | SOF Operations Support Facility | 75,122 | 75,122 |
| Defense-Wide | California | Marine Corps Mountain Warfare Training Center Bridgeport | Microgrid and Backup Power | 0 | 25,560 |
| Defense-Wide | California | Naval Base Ventura County, Point Mugu | Ground Mounted Solar Photovoltaic System | 0 | 13,816 |
| Defense-Wide | Djibouti | Camp Lemonnier | Enhanced Energy Security and Control Systems | 0 | 24,000 |
| Defense-Wide | Florida | Hurlburt Field | SOF Human Performance Training Center | 9,100 | 9,100 |
| Defense-Wide | Georgia | Naval Air Station Jacksonville | Facility Energy Operations Center Renovation | 0 | 2,400 |
| Defense-Wide | Georgia | Patrick Space Force Base | Underground Electric Distribution System | 0 | 8,400 |
| Defense-Wide | Germany | Patrick Space Force Base | Water Distribution Loop | 0 | 7,300 |
| Defense-Wide | Georgia | Port Stewart-Hunter Army Airfield | Power Generation and Microgrid | 0 | 25,400 |
| Defense-Wide | Georgia | Naval Submarine Base Kings Bay | SCADA Modernization | 0 | 11,200 |
| Defense-Wide | Germany | Baumholder | Baumholder Elementary School | 71,000 | 71,000 |</p>
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<th>Project Title</th>
<th>FY 2023 Request</th>
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## SEC. 4601. MILITARY CONSTRUCTION

### (In Thousands of Dollars)

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Subtotal Military Construction, Defense-Wide

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### ARMY NATIONAL GUARD

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**NATO SECURITY INVESTMENT PROGRAM**

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**Subtotal Family Housing Operation And Maintenance, Army** ................................................... 436,411 448,514

**FAMILY HOUSING CONSTRUCTION, NAVY & MARINE CORPS**

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<th>Fam Hsg Con, Navy &amp; Marine Corps</th>
<th>United States Marine Corps Headquarters Design</th>
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**Subtotal Family Housing Construction, Navy & Marine Corps** ................................................... 337,297 347,134

**FAMILY HOUSING O&M, NAVY & MARINE CORPS**

| Worldwide Unspecified Locations | Fam Hsg O&M, Navy & Marine Corps | Furnishings                                | 16,182         | 16,182          |
| Unspecified Worldwide Locations | Fam Hsg O&M, Navy & Marine Corps | Housing Privatization Support              | 61,605         | 61,605          |
| Unspecified Worldwide Locations | Fam Hsg O&M, Navy & Marine Corps | Leasing                                   | 66,333         | 66,333          |
| Unspecified Worldwide Locations | Fam Hsg O&M, Navy & Marine Corps | Maintenance                               | 105,470        | 105,470         |
| Unspecified Worldwide Locations | Fam Hsg O&M, Navy & Marine Corps | Management                                | 59,312         | 59,312          |
## SEC. 4601. MILITARY CONSTRUCTION

### (In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Account</th>
<th>State/Country and Installation</th>
<th>Project Title</th>
<th>FY 2023 Request</th>
<th>Senate Authorized</th>
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**Subtotal Family Housing Operation & Maintenance, Navy & Marine Corps** ................................................................. 368,224 376,888

### FAMILY HOUSING CONSTRUCTION, AIR FORCE

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<th>Project Title</th>
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<td>Illinois</td>
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**Subtotal Family Housing Construction, Air Force** ......................................................................................... 232,788 258,032

### FAMILY HOUSING O&M, AIR FORCE

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## Sec. 4601. Military Construction

### Account | State/Country and Installation | Project Title | FY 2023 Request | Senate Authorized
--- | --- | --- | --- | ---
Fam Hsg O&M, Air Force | Unspecified Worldwide Locations | Miscellaneous | 2,240 | 2,240
Fam Hsg O&M, Air Force | Unspecified Worldwide Locations | Services | 10,570 | 10,570
Fam Hsg O&M, Air Force | Unspecified Worldwide Locations | Utilities | 46,217 | 46,217
Fam Hsg O&M, Air Force | Unspecified Worldwide Locations | Inflation & Market Adjustment Fund | 0 | 8,306

Subtotal Family Housing Operation And Maintenance, Air Force | | | **355,222** | **363,528**

### Family Housing O&M, Defense-Wide

#### Worldwide Unspecified

| Account | State/Country and Installation | Project Title | FY 2023 Request | Senate Authorized
--- | --- | --- | --- | ---
Fam Hsg O&M, Defense-Wide | Unspecified Worldwide Locations | Furnishings (DIA) | 656 | 656
Fam Hsg O&M, Defense-Wide | Unspecified Worldwide Locations | Furnishings (NSA) | 87 | 87
Fam Hsg O&M, Defense-Wide | Unspecified Worldwide Locations | Leasing (DIA) | 31,849 | 31,849
Fam Hsg O&M, Defense-Wide | Unspecified Worldwide Locations | Leasing (NSA) | 13,306 | 13,306
Fam Hsg O&M, Defense-Wide | Unspecified Worldwide Locations | Maintenance (NSA) | 34 | 34
Fam Hsg O&M, Defense-Wide | Unspecified Worldwide Locations | Utilities (DIA) | 4,166 | 4,166
Fam Hsg O&M, Defense-Wide | Unspecified Worldwide Locations | Utilities (NSA) | 15 | 15

Subtotal Family Housing Operation And Maintenance, Defense-Wide | | | **50,113** | **50,113**

### Family Housing Improvement Fund

#### Worldwide Unspecified

| Account | State/Country and Installation | Project Title | FY 2023 Request | Senate Authorized
--- | --- | --- | --- | ---
Family Housing Improvement Fund | Unspecified Worldwide Locations | Administrative Expenses—FHIF | 6,442 | 6,442
Family Housing Improvement Fund | Unspecified Worldwide Locations | Inflation & Market Adjustment Fund | 0 | 184

Subtotal Family Housing Improvement Fund | | | **6,442** | **6,626**

### Unaccompanied Housing Improvement Fund

#### Worldwide Unspecified

| Account | State/Country and Installation | Project Title | FY 2023 Request | Senate Authorized
--- | --- | --- | --- | ---
Unaccompanied Housing Improvement Fund | Unspecified Worldwide Locations | Administrative Expenses—UHIF | 494 | 494

Subtotal Unaccompanied Housing Improvement Fund | | | **494** | **494**

TOTAL FAMILY HOUSING | | | **1,956,330** | **2,302,599**

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DEFENSE BASE REALIGNMENT AND CLOSURE
### SEC. 4601. MILITARY CONSTRUCTION

**(In Thousands of Dollars)**

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<td><strong>Subtotal Base Realignment and Closure—Defense-Wide</strong></td>
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<td><strong>TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC</strong></td>
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<td>17,326,668</td>
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### TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2023 Request</th>
<th>Senate Authorized</th>
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<tbody>
<tr>
<td><strong>Discretionary Summary by Appropriation</strong></td>
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<tr>
<td><strong>Energy Programs</strong></td>
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<td>Nuclear Energy</td>
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<tr>
<td><strong>Atomic Energy Defense Activities</strong></td>
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<td>National Nuclear Security Administration:</td>
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<td>Weapons Activities</td>
<td>16,486,298</td>
<td>17,090,298</td>
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<tr>
<td>Defense Nuclear Nonproliferation</td>
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<td>Naval Reactors</td>
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<td>Federal Salaries and Expenses</td>
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<td><strong>Total, National Nuclear Security Administration</strong></td>
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<td>Defense Environmental Cleanup</td>
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<td>Other Defense Activities</td>
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<td><strong>Total, Atomic Energy Defense Activities</strong></td>
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## Nuclear Energy

### Safeguards and security
- 2023 Request: $156,600
- Senate Authorized: $156,600

### Total, Nuclear Energy
- 2023 Request: $29,459,883
- Senate Authorized: $29,672,883

## Weapons Activities

### Stockpile major modernization

<table>
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<th>Program Description</th>
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<td>B61 Life extension program</td>
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<td>W88 Alteration program</td>
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<td>W80-4 Life extension program</td>
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<td>W80-4 ALT SLCM Modification Program</td>
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<td>Program increase</td>
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<td>W87-1 Modification Program</td>
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<td>W93</td>
<td>$240,509</td>
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**Subtotal, Stockpile major modernization**: $2,877,163

### Stockpile sustainment
- 2023 Request: $1,321,139
- Senate Authorized: $1,321,139

### Weapons dismantlement and disposition
- 2023 Request: $50,966
- Senate Authorized: $50,966

### Production operations
- 2023 Request: $630,894
- Senate Authorized: $630,894

### Nuclear enterprise assurance
- 2023 Request: $48,911
- Senate Authorized: $48,911

**Total, Stockpile management**: $4,929,073

## Production Modernization

### Los Alamos Plutonium Modernization

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<th>Program Description</th>
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<td>Los Alamos Plutonium Operations</td>
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<td>21-D-512, Plutonium Pit Production Project, LANL</td>
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<td>15-D-302, TA-55 Reinvestments Project, Phase 3, LANL</td>
<td>$30,002</td>
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<td>07-D-220-04, Transuranic Liquid Waste Facility, LANL</td>
<td>$24,759</td>
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<td>04-D-125, Chemistry and Metallurgy Research Replacement Project, LANL</td>
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**Subtotal, Los Alamos Plutonium Modernization**: $1,572,419

### Savannah River Plutonium Modernization

<table>
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<th>Program Description</th>
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<tr>
<td>Savannah River Plutonium Operations</td>
<td>$58,300</td>
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<td>21-D-511, Savannah River Plutonium Processing Facility, SRS</td>
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<td>Program increase—glovebox long lead procurement</td>
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<td>Program increase—long lead items</td>
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<td>Program increase—demolition of MOX building</td>
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<td>Program increase—site prep</td>
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<td>Savannah River Plutonium Processing Facility, SRS</td>
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<td>Enterprise Plutonium Support</td>
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**Subtotal, Savannah River Plutonium Modernization**: $2,419,712

### High Explosives & Energetics

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<td>High Explosives &amp; Energetics</td>
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<td>25-D-516, Energetic Materials Characterization Facility, LANL</td>
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<td>21-D-510, HE Synthesis, Formulation, and Production, PX</td>
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<td>15-D-301, HE Science &amp; Engineering Facility, PX</td>
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**Subtotal, High Explosives & Energetics**: $248,380

### Total, Primary Capability Modernization
- 2023 Request: $2,668,092
- Senate Authorized: $3,168,092

## Secondary Capability Modernization

### Secondary Capability Modernization

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<th>Program Description</th>
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<td>18-D-690, Lithium Processing Facility, Y-12</td>
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<td>06-D-141, Uranium Processing Facility, Y-12</td>
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**Total, Secondary Capability Modernization**: $1,115,249

### Tritium and Domestic Uranium Enrichment

<table>
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<td>Tritium and Domestic Uranium Enrichment</td>
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**Total, Tritium and Domestic Uranium Enrichment**: $579,949

### Non-Nuclear Capability Modernization
- 2023 Request: $123,084
- Senate Authorized: $123,084

### Capability Based Investments
- 2023 Request: $154,220
- Senate Authorized: $154,220

**Total, Production Modernization**: $4,640,594

## Stockpile research, technology, and engineering

### Assessment Science

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<th>Program Description</th>
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<td>14-D-660, Ula Complex Enhancements Project, NNSS</td>
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**Total, Assessment Science**: $854,798

### Engineering and integrated assessments
- 2023 Request: $366,455
- Senate Authorized: $366,455

### Inertial confinement fusion
- 2023 Request: $544,095
- Senate Authorized: $544,095

### Advanced simulation and computing
- 2023 Request: $742,646
- Senate Authorized: $752,646

### Weapon technology and manufacturing maturation
- 2023 Request: $286,165
- Senate Authorized: $286,165
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<td><strong>Recapitulation</strong></td>
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<tr>
<td>Defense Nuclear Nonproliferation</td>
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<tr>
<td>Material management and minimization</td>
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<td><strong>Total, Global material security</strong></td>
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<td>Nonproliferation and arms control</td>
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<td>Nuclear detonation detection</td>
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<td>Emergency Operations</td>
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<td>Counterterrorism and Counterproliferation</td>
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<td><strong>Subtotal, Defense Nuclear Nonproliferation</strong></td>
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### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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<th>Senate Authorized</th>
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<td></td>
<td>−123,048</td>
<td>−123,048</td>
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<td><strong>Naval Reactors</strong></td>
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<td>Columbia-Class reactor systems development</td>
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<td>SBG Prototype refueling</td>
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<td>Naval reactors operations and infrastructure</td>
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<td>Program direction</td>
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<tr>
<td><strong>Construction:</strong></td>
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<td>22–D–330 BL Component Test Complex</td>
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<td>14–D–901, Spent Fuel Handling Recapitalization Project, NRF</td>
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<td><strong>Total, Construction</strong></td>
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<td><strong>Total, Naval Reactors</strong></td>
<td>2,081,445</td>
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<td><strong>Federal Salaries and Expenses</strong></td>
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<td>496,400</td>
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<td><strong>TOTAL, National Nuclear Security Administration</strong></td>
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<td>Closure sites administration</td>
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<td><strong>Richland</strong></td>
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### Other Defense Activities

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### Savannah River Site

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<td>Savannah River National Laboratory O&amp;M</td>
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<td>19–D–701 SR Security systems replacement</td>
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<td>18–D–402 Saltstone Disposal Unit #8, 9</td>
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<td>8–D–402 Emergency Operations Center Replacement, SR</td>
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<td>Subtotal, Construction</td>
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<td>Radioactive liquid tank waste stabilization</td>
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### Total, Defense Environmental Cleanup

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<td>Waste Isolation Pilot Plant</td>
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<td>Construction:</td>
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<td>15–D–411 Safety significant confinement ventilation system, WIPP</td>
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<td>15–D–412 Exhaust shaft, WIPP</td>
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<td>Technology development and deployment</td>
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<td>Federal contribution to the Uranium Enrichment D&amp;D Fund</td>
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### TOTAL, Defense Environmental Cleanup

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<tr>
<td>Other Defense Activities</td>
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<td>Environment, health, safety and security</td>
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<td>Environment, health, safety and security</td>
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<td>Office of Enterprise Assessments</td>
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<tr>
<td>Enterprise assessments</td>
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<td>Program direction</td>
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<tr>
<td>Total, Office of Enterprise Assessments</td>
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<tr>
<td>Specialized security activities</td>
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<td>Legacy Management</td>
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<td>Legacy Management Activities—Defense</td>
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<td>Program Direction</td>
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<td>Total, Legacy Management</td>
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<td>Defense-related administrative support</td>
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<td>Office of hearings and appeals</td>
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<td>Total, Other defense activities</td>
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SEC. 5101. PROCUREMENT AUTHORIZED FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

(a) Contract Authority.—

(1) Procurement Authorized.—The Secretary of the Navy may enter into one or more contracts for the procurement of up to five covered ships.

(2) Procurement in Conjunction with Existing Contracts.—The ships authorized to be procured under paragraph (1) may be procured as additions to existing contracts covering such programs.

(b) Certification Required.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, of each of the following, which shall be prepared by the milestone decision authority for such programs:

(1) The use of such a contract is consistent with the Commandant of the Marine Corps’s projected force structure requirements for amphibious ships;

(2) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the Secretary shall identify the spending streams of such savings under the authority provided in subsection (a);

(3) The estimated cost savings or increase by fiscal year, by hull, with the authority provided in subsection (a);

(4) The contractual actions that will accomplish such cost savings or avoidance; and

(5) The actual costs savings that will be realized.

(c) Elements.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

The contractors shall include a written explanation of—

(A) the estimated end cost and appropriated funds by fiscal year, by hull, without the authority provided in subsection (a);

(B) the estimated cost savings or increase by fiscal year, by hull, with the authority provided in subsection (a);

(C) the estimated cost savings or increase by fiscal year, by hull, with the authority provided in subsection (a);

(D) the contractual actions that will accomplish such cost savings or avoidance; and

(E) the actual costs savings that will be realized.

(d) National Security Authority.—There is a reasonable expectation that throughout the contemplated contract period, the Secretary of the Navy will request funding for the contract at the level required to avoid contract cancellation.

(2) There is a stable design for the property to be acquired and the technical risks associated with such property are not excessive.

(3) The estimated end cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic.

(4) The contract will promote the national security of the United States.

(5) The fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year.

(e) Authority for Advance Procurement.—The Secretary of the Navy may enter into one or more contracts for advance procurement associated with a vessel or vessels for which authorization to enter into a contract is provided under subsection (a) for systems and subsystems associated with such vessels in economic order quantities when cost savings are achievable.

(f) Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation incurred under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 5201. REPORT ON DEFENSE ADVANCED MANUFACTURING CAPABILITIES.

(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 Congress a report on identifying—

(1) the estimated end cost and appropriated funds by fiscal year, by hull, without the authority provided in subsection (a);

(2) the estimated cost savings or increase by fiscal year, by hull, with the authority provided in subsection (a);

(3) the contractual actions that will accomplish such cost savings or avoidance; and

(4) the actual costs savings that will be realized.

(b) Authority for Advance Procurement.—The Secretary of the Navy may enter into one or more contracts for advance procurement associated with a vessel or vessels for which authorization to enter into a contract is provided under subsection (a) for systems and subsystems associated with such vessels in economic order quantities when cost savings are achievable.

(c) Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation incurred under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

(d) Multiyear Contract.—The term ‘covered ship’ means a San Antonio-class or America-class ship; and

(e) Milestone Decision Authority.—The term ‘milestone decision authority’ has the meaning given in section 2366a(d) of title 10, United States Code.

SEC. 5301. REPORTS ON WEAPONS GENERATION FACILITIES OF THE AIR FORCE.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the construction by the Air Force of weapons generation facilities.

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

(1) An assessment of the effect of the continuity of current research and development collaborations between the Air Force research laboratories and the National Laboratories of the Department of Energy in order to achieve these results.

(2) The feasibility of the Air Force leveraging the Manufacturing Demonstration Facility of the Department of Energy and the National Laboratories of the Department of Energy in order to achieve these results.

(c) Form.—The report required by subsection (a) shall be submitted in unclassified form and include a classified annex.

TITeL LI—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 5201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(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 a report on identifying—

(1) an existing weapons storage area; or

(2) the estimated cost of a contract that will promote the secure storage of weapons other than those described in subparagraph (B) if requested by a committee of Congress.

(b) Certification.—The report shall be submitted to the congressional defense committees in order to achieve these results.

(c) Elements.—The report required by subsection (a) shall include the following elements:

(1) the identification of marked and unmarked burial grounds; and

(2) the findings and recommendations of the Secretary with respect to the matters addressed under paragraphs (1) and (2).

(d) No Fiscal Year.—The Secretary of the Air Force may not enter into a contract under paragraph (1) or (2) of this section for an amount in an appropriation Act for a fiscal year unless the Secretary certifies to the congressional defense committees that the contract will promote the secure storage of weapons other than those described in subparagraph (B) if requested by a committee of Congress.

(e) Appropriations.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Department of Defense shall brief the appropriate committees of Congress on the fiscal year support for the adjudication phase of the project.
TITLE LV—MILITARY PERSONNEL POLICY

SEC. 5501. ADVICE AND CONSENT REQUIREMENT FOR WAIVERS OF MANDATORY RETIREMENT FOR SUPERINTENDENTS OF MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 7321(b) of title 10, United States Code, is amended by adding at the end the following: "In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.

(b) UNITED STATES NAVAL ACADEMY.—Section 8371(b) of title 10, United States Code, is amended by adding at the end the following: "In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.

SEC. 5502. STUDY ON IMPROVEMENT OF ACCESS TO VOTING FOR MEMBERS OF THE ARMED FORCES OVERSEAS.

(a) STUDY REQUIREMENT.—The Director of the Federal Voting Assistance Program of the Department of Defense shall conduct a study on means of improving access to voting for members of the Armed Forces overseas.

(b) REPORT.—Not later than September 30, 2024, the Director shall submit to Congress a report on the results of the study conducted under subsection (a).

TITLE LVII—MILITARY COMPENSATION

SEC. 5501. REIMBURSEMENT FOR TRANSPORTATION OF PETS FOR MEMBERS MAKING A PERMANENT CHANGE OF STATION.

(a) W EAR OF OLYMPIC MEDALS.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall direct each military department to review its policies concerning the wearing of Olympic and Paralympic medals.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall report on the feasibility and advisability of allowing members of the Armed Forces to wear Olympic and Paralympic medals.

(c) TIMELINE FOR ESTABLISHMENT.—

(1) DESIGNATION.—Not later than October 1, 2024, the Secretary shall designate four military department Core Casualty Receiving Facilities to be established under subsection (a).

(2) OPERATIONAL.—Not later than October 1, 2022, the Secretary shall ensure that the facilities designated under paragraph (1) are fully staffed and operational.

(d) PERSONNEL ASSIGNMENT.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that the Secretaries of the military departments assign military personnel to Core Casualty Receiving Facilities established under subsection (a) at not less than 90 percent of the staffing level needed to maintain operating bed capacities to support operation planning requirements.

(2) USE OF CIVILIAN PERSONNEL.—The Secretary of Defense may augment the staffing of military personnel at Core Casualty Receiving Facilities established under subsection (a) with civilian personnel to achieve the staffing requirement under paragraph (1).

(3) EXECUTIVE STAFFING.—The Secretary shall ensure that each Core Casualty Receiving Facility established under subsection (a) has at least one civilian chief operations officer with experience in hospital management and information systems to ensure continuity in management of the facility.

(e) FUNDING.—The Secretary shall include with the budget submission to Congress for the fiscal year beginning October 1, 2025, an amount for the operation and maintenance of each facility.

(f) DEFINITIONS.—In this section:

(1) CORE CASUALTY RECEIVING FACILITIES.—The term ‘Core Casualty Receiving Facilities’ means facilities that serve as the medical hubs for receipt of casualties that may result from combat, natural disasters, mass casualty events, or other national emergencies.

(2) ROLE 4 MEDICAL TREATMENT FACILITIES.—The term ‘Role 4 medical treatment facilities’ means facilities that provide the full range of preventative, curative, acute, convalescent, restorative, and rehabilitative care.

TITLE LVII—HEALTH CARE PROVISIONS

SEC. 5701. ESTABLISHMENT OF CORE CASUALTY RECEIVING FACILITIES TO IMPROVE MEDICAL FORCE GENERATION AND READINESS.

(a) IN GENERAL.—Pursuant to the requirements of this section, the Secretary of Defense shall establish certain military medical treatment facilities as Core Casualty Receiving Facilities to maintain the medical capability and capacity required to diagnose, treat, and rehabilitate large volume combat casualties and to provide a medical response to natural disasters, mass casualty events, or other national emergencies as may be directed by the President or the Secretary.

(b) LOCATION OF FACILITIES.—The Secretary shall ensure that facilities established under subsection (a) are geographically located to facilitate aeromedical evacuation of casualties from military medical treatment facilities and Core Casualty Receiving Facilities.

SEC. 5702. REVIEW OF DISLOCATION AND RELOCATION ALLOWANCES.

(a) IN GENERAL.—Pursuant to the requirements of section 452 of title 37, United States Code, the Secretary of Defense shall review the adequacy of the amounts of dislocation and relocation allowances paid to members of the uniformed services in connection with changes in such members’ temporary or permanent duty assignment locations, taking into consideration the rising costs of moving, challenges in the housing market, and other expenses incurred by such members.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) reviewing the adequacy of the amounts of dislocation and relocation allowances paid under section 452 of title 37, United States Code, to members of the uniformed services in connection with changes in such members’ temporary or permanent duty assignment locations; and

(2) assessing the effects of delays in the issuance of orders relating to changes to temporary or permanent duty assignment locations on the timing of dislocation and relocation allowances paid to members of the uniformed services.

(3) MAKING RECOMMENDATIONS.—The Secretary shall make recommendations with respect to the matters described in paragraphs (1) and (2).

(c) FUNDING.—The Secretary shall include in the budget submission to Congress for the fiscal year beginning October 1, 2023, an amount for core funding for the operation and maintenance of each facility.

(d) TIMELINE FOR IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish four Core Casualty Receiving Facilities to be established under subsection (a).

(e) AUTHORITY.—Amounts authorized to be appropriated by this Act may, to the extent...
and in such amounts as specifically provided in advance in appropriations Acts for the purposes detailed in this section, be used to modify the terms and conditions of a contract or option without consideration and to provide an economic price adjustment consistent with sections 16.203-1 and 16.203-2 of the Federal Acquisition Regulation during the relevant period of performance for that contract or option and as specified in section 16.203-3 of the Federal Acquisition Regulation.

(b) GUIDANCE.—Not later than 30 days after the date of the enactment of this Act providing appropriations pursuant to this section, the Under Secretary of Defense for Acquisition and Sustainment shall issue guidance implementing the authority under this section.

Title E—Other Matters

SEC. 5871. PROHIBITION ON CERTAIN SEMICONDUCTOR PRODUCTS AND SERVICES.


(1) by inserting "AND SEMICONDUCTOR PRODUCTS AND SERVICES" after "SERVICES OR EQUIPMENT";

(2) in subsection (a)(1), by inserting ", or covered semiconductor products or services," after "equipment or services" both places it appears;

(3) in subsection (b), by deleting at the end the following new paragraph:

"(3) SECRETARY OF DEFENSE.—The Secretary of Defense may provide a waiver on a date later than the effective dates described in subsection (c) if the Secretary determines the waiver is in the national security interests of the United States."; and

(4) in subsection (c), by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(b) IN GENERAL.—Except as provided under subsections (a) through (k) of this section, the term "covered semiconductor product or services" means an entity included in a list developed and maintained by the Federal Acquisition Security Council. This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

Any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, in coordination with the Attorney General, Director of National Intelligence, and the Secretary of Defense, determines poses a national security threat.

(D) Any entity domiciled in the People's Republic of China or the Communist Party of China.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

(2) COVERED FOREIGN ENTITY.—The term "covered foreign entity" means an entity included in a list developed and maintained by the Federal Acquisition Security Council.

In this subtitle:

SEC. 5872. DEFINITIONS.

In this subtitle:

(1) COVERED UNMANNED AIRCRAFT SYSTEM.—The term "covered unmanned aircraft system" has the meaning given to that term in section 48001 of title 49, United States Code.

(2) INTELLIGENCE; INTELLECTUAL COMMUNITY.—The terms "intelligence" and "intellectual community" have the meanings given those terms in section 3 of the National Security Act of 1947 (30 U.S.C. 3005).

SEC. 5881. SHORT TITLE.

This subtitle may be cited as the "American Security Drone Act of 2022."
(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology;

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) TRANSPORTATION AND FEDERAL ACQUISITION REGULATORY COUNCIL.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary’s designee.

(d) NATIONAL TRANSPORTATION SAFETY BOARD, NATURE AND AMOUNT OF DATA.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA’s science or management objectives.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis:

(1) if the procurement is necessary for the sole purpose of conducting safety investigations,

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA’s science or management objectives.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis:

(2) if the procurement is necessary for the sole purpose of conducting safety investigations,

(g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and other appropriate congressional committees of jurisdiction,

(h) GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.—The Secretary of Transportation, the Department of Justice, the Department of Homeland Security, Department of the Interior, the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of an unmanned aircraft system—

(1) for non-Department of Defense and non-intelligence community operations; and

(2) in coordination with the Department of Management and Budget, and in consultation with the National Institute of Standards and Technology, to address the risks associated with processing, storing, and transmitting Federal information in an unmanned aircraft system:

(1) Protections to ensure controlled access to an unmanned aircraft system.

(2) Protection of software, firmware, and hardware by ensuring that an unmanned aircraft system is properly managed, including by ensuring an unmanned aircraft system can be updated using a secure, controlled, and configurable mechanism.

(3) Cryptographically securing sensitive collected, stored, and transmitted data, including proper handling of privacy data and other controlled unclassified information.

(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of an unmanned aircraft system.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-controlled locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is
(c) REQUIREMENT.—The policy developed under paragraph (b) shall reflect an appropriate risk-based approach to information security related to use of an unmanned aircraft system.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued:

(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy;

(2) any Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall either apply policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall—

(1) incorporate policies to implement the exemptions contained in this subtitle; and

(2) incorporate an exemption to the policy in the case of a head of the procuring department or agency determining, in writing, that no procurement, operation, or purchase is necessary for the purpose of supporting the full range of wildfire management operations, or search and rescue operations.

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

(A) A description of the current and future global and domestic market for covered unmanned aircraft systems that are not widely commercially available except from a covered unmanned aircraft system.

(B) A description of the sustainability, availability, cost, and quality of secure sources of covered unmanned aircraft systems that are domestic and from sources in allied and partner countries.

(C) The plan of the Secretary of Defense to address any gaps or deficiencies identified in subparagraph (B), including through the award of funds available under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) and partnerships with the National Aeronautics and Space Administration and other interested persons.

(D) Such other information as the Under Secretary of Defense for Acquisition and Sustainment determines to be appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section the term ‘appropriate congressional committees’ means—

(A) The Committees on Armed Services of the Senate and the House of Representatives;

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives;

(C) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives;

(D) The Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 5892. EXCEPTIONS.

(a) EXCEPTION FOR WILDFIRE MANAGEMENT OPERATIONS AND SEARCH AND RESCUE OPERATIONS.—The appropriate Federal agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 5883, 5884, and 5885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting the full range of wildfire management operations or search and rescue operations.

(b) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—The elements of the intelligence community, in consultation with the Director of National Intelligence, are exempt from the procurement, operation, and purchase restrictions under sections 5883, 5884, and 5885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting intelligence activities.

(c) EXCEPTION FOR LAW ENFORCEMENT OR EMERGENCY SERVICE AGENCY.—Tribal law enforcement or Tribal emergency service agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 5883, 5884, and 5885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting the full range of law enforcement operations or search and rescue operations on Indian lands.

SEC. 5885. SUNSET.

Sections 5883, 5884, and 5885 shall cease to have effect on the date that is five years after the date of the enactment of this Act.

TITLE LXI—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 5901. ESTABLISHMENT OF OFFICE OF STRATEGIC CAPITAL.

(a) In General.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

§ 148. Office of Strategic Capital

(1) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an office to be known as the Office of Strategic Capital (in this section referred to as the ‘Office’).

(b) DIRECTOR.—The Office shall be headed by a Director (in this section referred to as the ‘Director’), who shall be appointed by the Secretary of Defense from among employees of the Department of Defense.

(c) DUTIES.—The Office shall—

(i) identify, accelerate, and sustain the establishment, research, development, construction, procurement, leasing, consolida-
tion, allocation, and repair of tangible and intangible assets vital to national security;

(ii) protect vital tangible and intangible assets from theft, acquisition, and transfer by the People’s Republic of China, the Rus-
sian Federation, and other countries that are adversaries of the United States; and

(iii) provide capital assistance for eligible entities engaged in eligible investments.

(2) APPLICATIONS.—

(A) It is not an eligible entity seeking capital assistance for an eligible investment that shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

(B) PRELIMINARY RATING OPINION LETTER.—

(i) A description of the sustainability, availability, cost, and quality of secure sources of covered unmanned aircraft systems that are domestic and from sources in allied and partner countries.

(ii) The plan of the Secretary of Defense to address any gaps or deficiencies identified in subparagraph (B), including through the award of funds available under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) and partnerships with the National Aeronautics and Space Administration and other interested persons.

(iii) Such other information as the Under Secretary of Defense for Acquisition and Sustainment determines to be appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section the term ‘appropriate congressional committees’ means—

(A) The Committees on Armed Services of the Senate and the House of Representatives;

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives;

(C) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives;

(D) The Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 5902. CAPITAL ASSISTANCE.

(a) IN GENERAL.—The Office may provide capital assistance for an eligible investment that receives a preliminary rating opinion letter from an investment rating agency that the senior obligations of the investment have the potential to achieve an investment-grade rating.

(b) EXCEPTIONS.—The Director may waive the requirement under subparagraph (A) with respect to an investment if it is not possible to obtain a preliminary rating opinion letter with respect to an investment that would otherwise be eligible for funding.

(c) SELECTION OF INVESTMENTS.—The Di-

ector shall establish criteria for selecting among eligible investments for which applications are submitted under subsection (d). Such criteria shall include—

(i) the extent to which an investment is significant to the national security of the United States;

(ii) the creditworthiness of an investment; and

(iii) the likelihood that capital assistance provided for an investment would enable the investment to proceed sooner than the investment would otherwise be able to proceed.

(2) INVESTMENT-GRADE RATING REQUIRED.

(A) IN GENERAL.—Except as provided by clause (ii), a loan or loan guarantee may be provided under subparagraph (A) only with respect to an investment that receives an investment-grade rating from an investment rating agency.

(i) LOANS AND LOAN GUARANTEES.—

(A) IN GENERAL.—The Office may provide loans or loan guarantees to finance or refi-
nance the costs of an eligible investment se-

lected pursuant to subsection (e).

(B) INVESTMENT-GRADE RATING REQUIRED.

(A) IN GENERAL.—Except as provided by clause (ii), a loan or loan guarantee may be provided under subparagraph (A) only with respect to an investment that receives an investment-grade rating from an investment rating agency.

(ii) EXCEPTION.—The Director may waive the requirement under clause (i) with respect to an investment if—

(I) it is not possible to obtain a preliminary rating opinion letter with respect to the investment; and

(II) the investment is determined by the Secretary of Defense to be vital to the national security of the United States.

(C) SECURITY.—A loan provided under sub-

paragraph (A) is required—

(i) to be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

(ii) to include a rate covenant, coverage requirement, or similar security feature sup-

porting investment obligations.

(D) ADMINISTRATION OF LOANS.—
(1) INTEREST RATE.—

(2) IN GENERAL.—Except as provided by subparagraph (A), the interest rate on a loan provided under subparagraph (A) shall be an amount sufficient to cover all or a portion of the costs to the Office of providing capital assistance.

(3) LOAN GUARANTEES.—(A) IN GENERAL.—The Director shall provide to an eligible investment selected pursuant to subsection (e) the capital assistance under this subsection.

(4) TECHNICAL ASSISTANCE.—The Director shall provide technical assistance with respect to developing and financing investments eligible entities seeking capital assistance and eligible entities receiving capital assistance under this subsection.

(5) TERMS AND CONDITIONS.—

(A) FEES.—The Director may charge fees for the provision of capital assistance under this subsection to cover the costs of the Office of providing capital assistance.

(B) AMOUNT OF CAPITAL ASSISTANCE.—The Director shall provide to an eligible investment selected pursuant to subsection (e) the minimum amount of assistance necessary to carry out the investment.

(C) USE OF UNITED STATES DOLLAR.—All financial transactions conducted under this subsection shall be denominated in United States dollars, unless the Director approves the use of another currency.

(D) CORPORATE CAPITAL ACCOUNT.—There is established in the Treasury of the United States a fund to be known as the ‘Capital Account’ to carry out the purposes of the Office.

(2) FUNDING.—The Capital Account shall consist of—

(A) fees charged and collected pursuant to paragraph (3);

(B) any amounts received pursuant to paragraph (6);

(C) investments and returns on such investments pursuant to paragraph (7);

(D) amounts appropriated pursuant to the authorization of appropriations under paragraph (8);

(E) payments received in connection with settlements of all insurance and reinsurance claims of the Office; and

(F) all other collections transferred to or earned by the Office pursuant to paragraph (10), earnings collected related to equity investments, and other amounts (excluding fees related to insurance or reinsurance) collected, may not be collected for any fiscal year except to the extent provided in advance in appropriations Acts.

(3) EQUITY INVESTMENTS.—

(A) IN GENERAL.—The Director may, as a minority investor, support an eligible investment selected pursuant to subsection (e) with such equity, or other fund mechanisms for the purpose of purchasing, and may make and fund commitments to purchase, invest in, make pledges in respect of, or otherwise acquire assets in, or otherwise underwrite, a fund receiving support for the eligible investment, including as a limited partner or other investor in investment funds, upon such terms and conditions as the Director may determine.

(B) SALES AND LIQUIDATION OF POSITION.—The Office shall seek to sell and liquidate any support for an investment provided under subparagraph (A) as soon as commercially feasible, commensurate with other similar transactions, and taking into consideration the national security interests of the United States.

(C) INSURANCE AND REINSURANCE.—The Director may, subject to the terms and conditions of the Secretary of Defense, taking into consideration the current average market yields on outstanding marketable obligations provided for in section 302 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of loans and loan guarantees, for a period jointly determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities, for the next fiscal year.

(D) AMOUNT OF CAPITAL ASSISTANCE.—The Secretary may require, by rule, that the Secretary of the Treasury to invest such portion of the Capital Account as is not, in the Director’s judgment, required to make up the current needs of the Capital Account.

(E) INVESTMENT AUTHORITY.—The Director, as appropriate, may request the Secretary of the Treasury to make any payments needed to the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of loans and loan guarantees, for a period jointly determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(F) CORPORATE FUNDS.—

(A) CORPORATE CAPITAL ACCOUNT.—There is established in the Treasury of the United States a fund to be known as the ‘Office of the Director’ to carry out the purposes of the Office.

(B) TRANSFERS.—(i) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of the Treasury shall transmit to the Congress a report describing the activities of the Office in the preceding fiscal year and the goals of the Office for the next fiscal year.

(ii) DEFINITIONS.—In this section:

(A) ‘CAPITAL ASSISTANCE’ means loans, loan guarantees, or technical assistance provided under subsection (f).

(B) ‘ELIGIBLE ENTITY’ means—

(i) an individual;

(ii) a corporation;

(iii) a partnership, including a public-private partnership;

(iv) a joint venture; and

(v) a trust;
(F) a State, including a political subdivision or any other instrumentality of a State;
(G) a Tribal government or consortium of Tribal governments;
(H) any governmental entity or public agency in the United States, including a special purpose district or public authority, including a port authority; or
(I) any entity of a multi-jurisdictional group of public entities.

(3) ELIGIBLE INVESTMENT.—The term ‘eligible investment’ means an investment that facilitates the efforts of the Office—

(A) to identify, accelerate, and sustain the establishment, research, development, construction, procurement, leasing, consolidation, reprogramming, or reorganization of tangible and intangible assets vital to national security; or

(B) to protect tangible and intangible assets from theft, acquisition, and disposal.

(4) INVESTMENT-GRADE RATING.—The term ‘investment-grade rating’ means a rating of BBB minus, Baa3, bbB minus, BB (low), or higher assigned by a rating agency to investment-grade obligations.

(5) OBLIGOR.—The term ‘obligor’ means a party that is primarily liable for payment of the principal of or interest on a loan.

(6) TREATMENT OF CERTAIN SHIPS.—(1) For the purposes of this section, the Secretary of the Navy shall treat the first ship in a relevant class of battle force ships as follows:

(A) U.S.S. John F. Kennedy (CVN-79);

(B) U.S.S. Michael Monsoor (DDG-1001);

(C) U.S.S. Jack H. Lucas (DDG-125).

(2) For each ship described in paragraph (1), the Senior Technical Authority shall identify critical systems for the purposes of subsection (a)(9).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

148. Office of Strategic Capital.

TITLE LX—GENERAL PROVISIONS

SUBTITLE C—Naval Vessels

SEC. 6011. BATTLE FORCE SHIP EMPLOYMENT, MAINTENANCE, AND MANNING BASELINE PLANS.

(a) In General.—Chapter 869 of title 10, United States Code, is amended by adding at the end the following new section:

§ 8696. Battle force ship employment, maintenance, and Manning baseline plans.

(A) In General.—Not later than 45 days after the delivery of the first ship in a new class of battle force ships, the Secretary of the Navy shall submit to the congressional defense committees a report on the employment, maintenance, and Manning baseline plans for the class, including a description of the following:

(1) The sustainment and maintenance plans for the class that encompass the number of years the class is expected to be in service, including—

(A) the allocation of maintenance tasks among the depot, intermediate, depot, or other activities;

(B) the planned duration and interval of maintenance for all depot-level maintenance available to the Navy; and

(C) the planned duration and interval of drydock maintenance periods.

(2) Any contractually required integrated logistics support deliverables for the ship, including technical manuals, and an identification of—

(A) the deliverables provided to the Government on or before the delivery date; and

(B) the deliverables not provided to the Government on or before the delivery date and the expected completion date of those deliverables.

(3) The planned maintenance system for the ship, including—

(A) the initial deployment of the system, including maintenance requirement cards, completed on or before the delivery date;

(B) the elements of the system not completed on or before the delivery date and the expected completion date of those elements; and

(C) the plans to complete planned maintenance from the delivery date until all elements of the system have been completed.

(4) The coordinated shipboard allowance list for the class, including—

(A) the items on the list onboard on or before the delivery date; and

(B) the items on the list not onboard on or before the delivery date and the expected arrival date of those items.

(5) The ship manpower document for the class, including—

(A) the number of officers by grade and designator; and

(B) the number of enlisted personnel by rate and rating.

(6) The personnel billets authorized for the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

(A) the number of officers by grade and designator; and

(B) the number of enlisted personnel by rate and rating.

(7) Programmed funding for Manning and end strength for the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

(A) the number of officers by grade and designator; and

(B) the number of enlisted personnel by rate and rating.

(8) Personnel assigned to the ship on the delivery date, including—

(A) the number of officers by grade and designator; and

(B) the number of enlisted personnel by rate and rating.

(9) For each critical hull, mechanical, electrical, propulsion, and combat system of the class as so designated by the Senior Technical Authority pursuant to section 8696(b)(2)(C) of this title, the following:

(A) The Government-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

(B) The contractor-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

(C) Plans to adjust how the training described in subparagraphs (A) and (B) will be provided to personnel after delivery, including the nature and timeline of those adjustments.

(D) The optional employment schedule of the ship for each month of the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including an identification of time spent in the following phases:

(A) Basic;

(B) Integrated or advanced;

(C) Deployment; and

(D) Maintenance.

(E) Sustainment.

(b) Notification Required.—Not less than 30 days before implementing a significant change to the baseline plans described in subsection (a) or any subsequent significant change to the baseline plans, the Secretary shall submit to the congressional defense committees written notification of the change, including for each such change the following:

(1) an explanation of the change;

(2) The desired outcome.

(3) The rationale.

(4) The duration.

(5) The operational impact.

(6) The budgetary impact, including—

(A) in the year in which the change is made;

(B) over the five years thereafter; and

(C) over the expected service life of the relevant class of battle force ships.

(7) The personnel impact, including—

(A) in the year in which the change is made;

(B) over the five years thereafter; and

(C) over the expected service life of the relevant class of battle force ships.

(8) The sustainment and maintenance impact, including—

(A) in the year in which the change is made;

(B) over the five years thereafter; and

(C) over the expected service life of the relevant class of battle force ships.

(c) Coordination With Other Agencies.—In preparing the report required by subsection (a), the Secretary of the Navy may coordinate with the heads of other agencies to ensure the completeness and accuracy of the information used to prepare the report.
mit a detailed report to Congress regarding
and annually thereafter, the Director of the
form and include a classified annex.

through strategic investments.

ships to foster supply chain resilience
ment supply chains; and

Congress a report on—

after the date of the enactment of this Act,

SEC. 6023. CROSSCUT REPORT ON ARCTIC RE-

SEC. 6022. REPORT ON IMPACT OF GLOBAL CRIT-

entity in an important manner; or

means, to determine, direct, or decide for the
arrangements to act in concert, or other
tractual arrangements, formal or informal
arrangements to act in concert, or other

dominant minority of the total outstanding

ment of the People's Republic of China, the
including any entity for which the Govern-

Science and Technology Policy.

mit a copy of the report to the National

molybdenum;

orical minerals and metals, including reserves

section (a) shall include—

(2) the funding levels for each such pro-

(b) ELEMENTS.—The report required by sub-

(1) is headquartered in the People's Repub-

(1) as subsections (g) through (m), respec-

(2) by redesigning subparagraph (B) as

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) to the extent specified in advance in an appropriation Act for a fiscal year, any funds received as compensation for an ease-
ment described in subsection (e); and".

SEC. 6052. FINANCE FOR CON-

STRUCTION OF TEST BEDS AND SPE-

CIALIZED FACILITIES.

Section 34 of the National Institute of Standards and Technology (15 U.S.C.
278s) is amended—

(1) by redesigning subsections (a) through

(5) an assessment of the feasibility of loan

(1) is headquartered in the People's Repub-

(1) in subparagraph (A), by striking ''; and''

(1) in general.—The Secretary shall en-

sure that any procurement of a covered item for a frontline operational component meets the following criteria:

"(1) The maximum extent possible, not less than one-third of funds obligated in a specific fiscal year for the procurement of covered items shall be covered items that are manufactured or supplied in the United States by entities that qualify as small business concerns, as such term is described under section 3 of the Small Business Act (15 U.S.C. 632).

"(ii) Covered items may only be supplied pursuant to subparagraph (A) to the extent that United States entities that qualify as small business concerns—

"(i) are unable to manufacture covered items in the United States; and

"(II) meet the criteria identified in sub-

paragraph (B).

"(B) Each contractor with respect to the

procurement of such a covered item, includ-

ing the end-item manufacturer of such a cov-

ered item—

"(i) is an entity registered with the Sys-

tem for Award Management (or successor sys-

tem) administered by the General Serv-

ices Administration; and

"(ii) is in compliance with ISO 9001:2015 of the International Organization for Standard-

ization (or successor standard) or a standard
determined appropriate by the Secretary to
ensure the quality of products and adherence
to applicable statutory and regulatory re-

quirements.

"(C) Each supplier of such a covered item
with an insignia (such as any patch, badge,
emblem) and each supplier of such an insig-

nia, if such covered item with such insig-

nia, as the case may be, is not produced, applied, or assembled in the United States, shall—

"(i) store such covered item with such insig-

nia or such insignia in a locked area;

"(ii) report any pilferage or theft of such
covered item with such insignia or such insig-

nia occurring at any stage before delivery of
such covered item with such insignia or such insignia;

"(iii) destroy any such defective or unus-

able covered item with insignia or insignia in
a manner established by the Secretary, and

"(iv) in general.—The term 'covered item'
means any of the following:

"(A) Footwear provided as part of a uni-

"(B) Uniforms.

"(C) Holsters and tactical pouches.

"(D) Patches, insignia, and embellish-

ments.

"(E) Chemical, biological, radiological, and

nuclear protective gear.

"(F) Body armor components intended to

provide ballistic protection for an individual, consisting of 1 or more of the following:

"(1) Soft ballistic panels.

"(ii) Hard ballistic plates.

"(iii) Concealed armor carriers worn under

a uniform.

"(ii) External armor carriers worn over a

uniform.

"(iii) Any other item of clothing or protec-

tive equipment as determined appropriate by the

Secretary.

"(2) FRONTLINE OPERATIONAL COMPONENT.—

The term ‘frontline operational component’ means any of the following organizations of the United States:

"(A) U.S. Customs and Border Protection.

"(B) U.S. Immigration and Customs En-

forcement.

"(C) The United States Secret Service.

"(D) The Transportation Security Admin-

istration.


"(F) The Federal Emergency Management

Agency.

"(G) The Federal Law Enforcement Train-

ing Center.

"(H) The Cybersecurity and Infrastructure

Security Agency.

"(b) REQUIREMENTS.—

"(1) DEFINITIONS.—In this section:

"(1) covered item—

"(i) Soft ballistic panels.

"(ii) Hard ballistic plates.

"(iii) Concealed armor carriers worn under

a uniform.

"(ii) External armor carriers worn over a

uniform.

"(iii) any of the following organizations of

the United States:

"(A) U.S. Customs and Border Protection.

"(B) U.S. Immigration and Customs En-

forcement.

"(C) The United States Secret Service.

"(D) The Transportation Security Admin-

istration.


"(F) The Federal Emergency Management

Agency.

"(G) The Federal Law Enforcement Train-

ning Center.

"(H) The Cybersecurity and Infrastructure

Security Agency.

"(1) covered item—

"(i) Soft ballistic panels.

"(ii) Hard ballistic plates.

"(iii) Concealed armor carriers worn under

a uniform.

"(ii) External armor carriers worn over a

uniform.

"(iii) Any other item of clothing or protec-

tive equipment as determined appropriate by the

Secretary.

"(2) FRONTLINE OPERATIONAL COMPONENT.—

The term ‘frontline operational component’ means any of the following organizations of the United States:

"(A) U.S. Customs and Border Protection.

"(B) U.S. Immigration and Customs En-

forcement.

"(C) The United States Secret Service.

"(D) The Transportation Security Admin-

istration.


"(F) The Federal Emergency Management

Agency.

"(G) The Federal Law Enforcement Train-

ning Center.

"(H) The Cybersecurity and Infrastructure

Security Agency.

"(b) REQUIREMENTS.—

"(1) DEFINITIONS.—In this section:

"(1) covered item—

"(i) Soft ballistic panels.

"(ii) Hard ballistic plates.

"(iii) Concealed armor carriers worn under

a uniform.

"(ii) External armor carriers worn over a

uniform.

"(iii) Any other item of clothing or protec-

tive equipment as determined appropriate by the

Secretary.

"(2) FRONTLINE OPERATIONAL COMPONENT.—

The term ‘frontline operational component’ means any of the following organizations of the United States:

"(A) U.S. Customs and Border Protection.

"(B) U.S. Immigration and Customs En-

forcement.

"(C) The United States Secret Service.

"(D) The Transportation Security Admin-

istration.


"(F) The Federal Emergency Management

Agency.

"(G) The Federal Law Enforcement Train-

ning Center.

"(H) The Cybersecurity and Infrastructure

Security Agency.
"(A) IN GENERAL.—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may waive a requirement in subparagraph (A), (B), or (C) of paragraph (1) if the Secretary determines there is an insufficient supply of a covered item that meets the requirement.

"(B) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department in response to a declaration of a national emergency or major disaster under paragraph (1) not later than 180 days after the date of enactment of this Act.

"(c) PRICING.—The Secretary shall ensure that covered items purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

"(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate, a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response.

"(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.".

"(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response.

"(c) COLLECTION, VERIFICATION, AND DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS.

(a) COLLECTION AND VERIFICATION OF INFORMATION.—

(1) COLLECTION.—

(A) IN GENERAL.—An online marketplace shall require any high-volume third party seller on such online marketplace’s platform to provide, not later than 10 days after qualifying as a high-volume third party seller on the platform, the following information to the online marketplace:

(I) BANK ACCOUNT.

(I) IN GENERAL.—A bank account number, or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller.

(II) PROVISION OF INFORMATION.—The bank account or payee information required under subparagraph (I) may be provided by the seller in the following ways:

(aa) To the online marketplace.

(bb) To a payment processor or other third party processor contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information within 3 business days from such payment processor or other third party.

(ii) CONTACT INFORMATION.—Contact information for such seller as follows:

(I) With respect to a high-volume third party seller that is an individual, the individual’s name.

((I) WITH RESPECT TO A CONTRACT ENTERED INTO BY THE PRESIDENT UNDER SECTION 401 OF THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT (42 U.S.C. 5170), THE SECRETARY MAY WAIVE A REQUIREMENT IN SUBPARAGRAPHS (A), (B), OR (C) OF PARAGRAPH (1) IF THE SECRETARY DETERMINES THERE IS AN INSUFFICIENT SUPPLY OF A COVERED ITEM THAT MEETS THE REQUIREMENT.

"(B) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department in response to a declaration of a national emergency or major disaster under paragraph (1) not later than 180 days after the date of enactment of this Act.

"(c) PRICING.—The Secretary shall ensure that covered items purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

"(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the House of Representatives, a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response.

"(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.".

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(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response.

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(aa) To the online marketplace.

(bb) To a payment processor or other third party processor contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information within 3 business days from such payment processor or other third party.

(ii) CONTACT INFORMATION.—Contact information for such seller as follows:

(I) With respect to a high-volume third party seller that is an individual, the individual’s name.

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"(B) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department in response to a declaration of a national emergency or major disaster under paragraph (1) not later than 180 days after the date of enactment of this Act.

"(c) PRICING.—The Secretary shall ensure that covered items purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

"(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the House of Representatives, a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response.

"(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.".

"(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response.

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(a) COLLECTION AND VERIFICATION OF INFORMATION.—

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(I) BANK ACCOUNT.

(I) IN GENERAL.—A bank account number, or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller.

(II) PROVISION OF INFORMATION.—The bank account or payee information required under subparagraph (I) may be provided by the seller in the following ways:

(aa) To the online marketplace.

(bb) To a payment processor or other third party processor contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information within 3 business days from such payment processor or other third party.

(ii) CONTACT INFORMATION.—Contact information for such seller as follows:

(I) With respect to a high-volume third party seller that is an individual, the individual’s name.

((I) WITH RESPECT TO A CONTRACT ENTERED INTO BY THE PRESIDENT UNDER SECTION 401 OF THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT (42 U.S.C. 5170), THE SECRETARY MAY WAIVE A REQUIREMENT IN SUBPARAGRAPHS (A), (B), OR (C) OF PARAGRAPH (1) IF THE SECRETARY DETERMINES THERE IS AN INSUFFICIENT SUPPLY OF A COVERED ITEM THAT MEETS THE REQUIREMENT.

"(B) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department in response to a declaration of a national emergency or major disaster under paragraph (1) not later than 180 days after the date of enactment of this Act.

"(c) PRICING.—The Secretary shall ensure that covered items purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

"(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the House of Representatives, a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response.

"(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.".

"(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response.

"(c) COLLECTION, VERIFICATION, AND DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS.

(a) COLLECTION AND VERIFICATION OF INFORMATION.—

(1) COLLECTION.—

(A) IN GENERAL.—An online marketplace shall require any high-volume third party seller on such online marketplace’s platform to provide, not later than 10 days after qualifying as a high-volume third party seller on the platform, the following information to the online marketplace:

(I) BANK ACCOUNT.

(I) IN GENERAL.—A bank account number, or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller.

(II) PROVISION OF INFORMATION.—The bank account or payee information required under subparagraph (I) may be provided by the seller in the following ways:

(aa) To the online marketplace.

(bb) To a payment processor or other third party processor contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information within 3 business days from such payment processor or other third party.

(ii) CONTACT INFORMATION.—Contact information for such seller as follows:

(I) With respect to a high-volume third party seller that is an individual, the individual’s name.
marketplace’s platform, to provide the information described in subparagraph (B) to the online marketplace; and

(ii) disclose to consumers the information described in subparagraph (B) in a clear and conspicuous manner—

(I) on the product listing page (including via hyperlink); or

(II) in any other confirmation message or other document or communication made to the consumer after the purchase is finalized and in the consumer's account transaction history.

(B) INFORMATION DESCRIBED.—The information described in this subparagraph is the following:

(i) the full name of the seller, which may include the seller name or seller’s company name, or the name by which the seller or company operates on the online marketplace;

(ii) the physical address of the seller; and

(iii) contact information for the seller, to allow for the direct, unhindered communication with high-volume third party sellers by users of the online marketplace, including—

(aa) a current working phone number;

(bb) a current working email address; or

(cc) other means of direct electronic messaging (which may be provided to such seller by the online marketplace), provided that the requirements of this item shall not prevent an online marketplace from monitoring communications between high-volume third party sellers and users of the online marketplace for fraud, abuse, or spam.

(ii) Whether the high-volume third party seller used a different seller to supply the consumer product to the consumer upon purchase, and, upon the request of an authenticated purchaser, the information described in clause (i) relating to any such seller that supplied the consumer product to the purchaser, if such seller is different than the high-volume third party seller listed on the product listing prior to purchase.

(2) EXCEPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), upon the request of a high-volume third party seller, an online marketplace shall provide for partial disclosure of the identity information required under paragraph (1)(B)(i) in the following situations:

(i) if such seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may—

(I) disclose only the country and, if applicable, the State in which such seller resides; and

(II) inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller’s email address or other means of electronic messaging provided to such seller by the online marketplace.

(ii) if such seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller’s email address or other means of electronic messaging provided to such seller by the online marketplace.

(B) LIMITATION ON EXCEPTION.—If an online marketplace becomes aware that a high-volume third party seller has made a false representation to the online marketplace in claus (i) relating to a partial disclosure under subparagraph (A) or that a high-volume third party seller who has requested and received a provision for a partial disclosure has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of communication provided to such seller by the online marketplace, the online marketplace shall, after providing the seller with written notice and an opportunity to respond not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the disclosure of the identity information required under paragraph (1)(B)(i).

(3) REPORTING MECHANISM.—An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious or unlawful marketplace activity to the online marketplace.

(4) COMPLIANCE.—If a high-volume third party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall, after providing the seller with written notice and an opportunity to provide or disclose such information not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until the seller complies with such requirements.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION

(1) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) or (b) by an online marketplace shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)),.

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce subsections (a) and (b) in the same manner, by the same means, and with the same judicial and other powers and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) or (b) shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(3) SANCTIONS.—The Commission may promulgate regulations under section 553 of title 5, United States Code, with respect to the collection, verification, or disclosure of information under this section, provided that such regulations are limited to what is necessary to collect, verify, and disclose such information.

(4) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL

(1) IN GENERAL.—If the attorney general of a State has reason to believe that any online marketplace is violating this section or a regulation promulgated under this section that affects one or more residents of that State, the attorney general of the State may bring a civil action in any appropriate district court of the United States, to—

(A) enjoin further such violation by the defendant;

(B) enforce compliance with this section or such regulation;

(C) obtain civil penalties in the amount provided for under subsection (c); and

(D) obtain other remedies permitted under State law; and

(e) SEVERABILITY.—If any provision of this section or any regulation promulgated under this section is held invalid in any case in which such prior notice is not feasible, in which case the attorney general shall serve such notice immediately upon instituting such action.

(3) INTERVENTION BY THE ATTORNEY GENERAL

Upon receiving notice under paragraph (2), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein; and

(C) to file petitions for appeal.

(4) PRIORITY.—In any civil action for violation of this section or regulation promulgated under this section and brought by the Commission for any violation of this section or regulation promulgated under this section filed by the Commission.

(5) RELIEF AVAILABLE TO STATES.—When the Commission finds that a person has violated this section, any other person may bring a civil action under section 532 of title 15, United States Code, in any State court of the United States for which a statute exists, and in which venue is proper, and in which the person bringing suit is a resident, to—

(A) obtain damages, restitution, or other compensation on behalf of residents of that State,

(B) obtain an order enjoining further such violation by the defendant, and

(C) obtain an order compelling the defendant to comply with the terms of this section.

(6) ACTIONS BY OTHER STATE OFFICIALS

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other person who has authority under the laws of any State to do so, except for any private person on behalf of the State attorney general, may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) ACTIONS FOR INJURY TO THE PUBLIC.—Nothing in this subsection may be construed to prohibit an authorized representative of the State from initiating or continuing any proceeding in a court of the United States to prevent the violation of any civil or criminal law of the State.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION

(1) IN GENERAL.—If the attorney general of a State has reason to believe that any online marketplace is violating this section or a regulation promulgated under this section that affects one or more residents of that State, the attorney general of the State may bring a civil action in any appropriate district court of the United States, to—

(A) enjoin further such violation by the defendant;

(B) enforce compliance with this section or such regulation;

(C) obtain civil penalties in the amount provided for under subsection (c); and

(D) obtain other remedies permitted under State law; and

(e) SEVERABILITY.—If any provision of this section or any regulation promulgated under this section is held invalid in any case in which such prior notice is not feasible, in which case the attorney general shall serve such notice immediately upon instituting such action.

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Upon receiving notice under paragraph (2), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein; and

(C) to file petitions for appeal.

(4) PRIORITY.—In any civil action for violation of this section or regulation promulgated under this section and brought by the Commission for any violation of this section or regulation promulgated under this section filed by the Commission.

(5) RELIEF AVAILABLE TO STATES.—When the Commission finds that a person has violated this section, any other person may bring a civil action under section 532 of title 15, United States Code, in any State court of the United States for which a statute exists, and in which venue is proper, and in which the person bringing suit is a resident, to—

(A) obtain damages, restitution, or other compensation on behalf of residents of that State,

(B) obtain an order enjoining further such violation by the defendant, and

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(B) ACTIONS FOR INJURY TO THE PUBLIC.—Nothing in this subsection may be construed to prohibit an authorized representative of the State from initiating or continuing any proceeding in a court of the United States to prevent the violation of any civil or criminal law of the State.
(3) HIGH-VOLUME THIRD PARTY SELLER.—
(A) IN GENERAL.—The term ‘‘high-volume third party seller’’ means a participant on an online marketplace’s platform who is a third party seller, individually or in combination, and who, during any 24-month period, has engaged in 200 or more discrete sales or transactions of new or unused consumer products and as a result has generated a gross revenue of $5,000 or more in gross revenues.

(B) CLARIFICATION.—For purposes of calculating the number of discrete sales or transactions for purposes of paragraph (A), an online marketplace shall only be required to count sales or transactions with respect to the online marketplace’s platform and for which payment was processed by the online marketplace, either directly or through its payment processor.

(4) ONLINE MARKETPLACE.—The term ‘‘online marketplace’’ means any person or entity that operates a consumer-directed electronically based or accessed platform that—

(A) includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;

(B) is used by one or more third party sellers for such purposes; and

(C) has a contractual or similar relationship with any person or entity governing their use of the platform to purchase consumer products.

(5) SELLER.—The term ‘‘seller’’ means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace’s platform.

(6) THIRD PARTY SELLER.—
(A) IN GENERAL.—The term ‘‘third party seller’’ means any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through such online marketplace’s platform.

(B) EXCLUSIONS.—The term ‘‘third party seller’’ does not include, with respect to an online marketplace—

(i) a seller who operates the online marketplace’s platform; or

(ii) a business entity that—

(I) made available to the general public the entity’s name, business address, and working contact information;

(II) an ongoing contractual relationship with the online marketplace to provide the online marketplace with the marketplace’s distribution, wholesaling, or fulfillment of shipments of consumer products; and

(III) provided to the online marketplace identity information, as described in subsection (a), that has been verified in accordance with that subsection.

(7) VERIFY.—The term ‘‘verify’’ means to confirm information provided to an online marketplace pursuant to this section, which may include the use of one or more methods that enable the online marketplace to reliably determine, in the marketplace’s judgment, any information and documents provided are valid, corresponding to the seller or an individual acting on the seller’s behalf, not misappropriated, and not falsified.

(8) RELATIONSHIP TO STATE LAWS.—No State or political subdivision of a State, or territory of the United States, may establish or continue in effect any law, regulation, rule, requirement, or standard that conflicts with the requirements of this section.

(9) LIMITATION.—Subsection (d) of section 207(f) of title 18, United States Code, shall apply to representing, aiding, or advising a foreign governmental entity before an officer or employee of the executive branch of the United States for a period of 5 years after the termination of that person’s service as Secretary of State or Secretary of Defense.

(10) scope of laws that have been accorded the status described in this section.

SEC. 6035. LOW POWER TV STATIONS.

(a) DEFINITIONS.—In this section—

(1) the term ‘‘Commission’’ means the Federal Communications Commission;

(2) the term ‘‘Designated Market Area’’ means—

(A) a Designated Market Area determined by Nielsen Media Research or any successor entity; or

(B) a Designated Market Area under a system of local television broadcast station licensees into local markets using a system that the Commission determines is equivalent to the system established by Nielsen Media Research, or any successor regulation.

(3) the term ‘‘low power TV station’’ has the meaning given the term ‘‘digital low power television broadcast station’’ in section 73.6001 of title 47, Code of Federal Regulations, or any successor regulation.

(b) P urpose.—The purpose of this section is to provide low power TV stations with a limited window of opportunity to apply for the opportunity to be accorded primary status as Class A television licensees.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commission shall issue a notice of proposed rulemaking to issue a rule that contains the requirements described in this subsection.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The rule with respect to which the Commission is required to issue notice under paragraph (1) shall provide that, during the 1-year period beginning on the date on which the rule is adopted, a low power TV station may apply to the Commission to be accorded primary status as a Class A television licensee under section 73.6001 of title 47, Code of Federal Regulations, or any successor regulation.

(B) CONSIDERATIONS.—The Commission may approve an application submitted under subparagraph (A) if the low power TV station submitting the application—

(i) satisfies—

(I) section 336(f)(2) of the Communications Act of 1934 (47 U.S.C. 336(f)(2)) and the rules issued under that section, including the requirements under such section 336(f)(2) with respect to locally produced programming, except that, for the purposes of this subclause, the period described in the matter preceding subclause (I) of such section 336(f)(2) shall be construed to be the period preceding the date of enactment of this Act; and

(II) paragraphs (b), (c), and (d) of 73.6001 of title 47, Code of Federal Regulations, or any successor regulation;

(ii) demonstrates to the Commission that the Class A station for which the license is sought will not cause any interference described in section 336(f)(7) of the Communications Act of 1934 (47 U.S.C. 336(f)(7)); and

(iii) as of the date of enactment of this Act, operates in a Designated Market Area with not more than 95,000 television households.

(3) APPLICABILITY OF LICENSE.—A license that accords primary status as a Class A television broadcast station as a result of the rule with respect to which the Commission is required to issue notice under paragraph (1) shall—

(A) be subject to the same license terms and renewal standards as a license for a full power television broadcast station, except as otherwise expressly provided in this subsection; and

(B) require the low power TV station to remain in compliance with paragraph (2)(B) during the term of the license.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representa-

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tives a report regarding the implementation of this section, which shall include—

(1) a list of the current, as of the date on which the report is submitted, licensees that have been accorded primary status as Class A television licensees; and

(2) of the licensees described in paragraph (1), an identification of each such licensee that has been accorded primary status as Class A television licensees; and

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect a decision of the Commission relating to the provision of competitive bidding conducted pursuant to title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1801 et seq.), and the amendments made by that title, that are collectively commonly referred to as the ‘‘Television Broadcast Incentive Auction’’.

SEC. 6036. POST-EMPLOYMENT RESTRICTIONS ON SENATE-CONFIRMED OFFICIALS AT THE DEPARTMENT OF STATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress and the executive branch have recognized the importance of preventing and mitigating the potential of interests following government service, including with respect to senior United States officials working on behalf of foreign governments.

(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(b) RESTRICTIONS.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following:

‘‘(m) EXTENDED POST-EMPLOYMENT RESTRICTIONS FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—

(1) SECRETARY OF STATE AND DEPUTY SECRETARY OF STATE.—With respect to a person serving as the Secretary of State or Deputy Secretary of State, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to representing, advising, or advising a foreign governmental entity before an officer or employee of the executive branch of the United States, at any time after the termination of that person’s service as Secretary or Deputy Secretary.

(2) Under secretaries, assistant secretaries, and ambassadors.—Subject to section 207(f)(1) of title 18, United States Code, any successor regulation or any successor regulation that has been accorded the status described in this section, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to representing, advising, or advising a foreign governmental entity before an officer or employee of the executive branch of the United States for 3 years after the termination of that person’s service in a position described in this paragraph, in this subsection, or in the regulations of the President that have been accorded the status described in this paragraph, whichever is longer.

(c) ENHANCED RESTRICTIONS FOR POST-EMPLOYMENT WORK ON BEHALF OF CERTAIN COUNTRIES OF CONCERN.—

(1) IN GENERAL.—With respect to all former officials listed in this subsection, the restrictions described in paragraphs (1) and (2) shall apply to representing, advising, or advising a foreign governmental entity before an officer or employee of the executive branch of the United States at any time after the termination of that person’s service in a position described in paragraph (1) or (2).

(2) COUNTRIES SPECIFIED.—In this paragraph, the term ‘‘country of concern’’ means—
(i) the People’s Republic of China;
(ii) the Russian Federation;
(iii) the Islamic Republic of Iran;
(iv) the Democratic People’s Republic of Korea;
(v) the Republic of Cuba; and
(vi) the Syrian Arab Republic.

(4) PENALTIES AND INJUNCTIONS.—Any violation of paragraphs (1) or (2) shall be subject to the penalties and injunctions provided for under section 216 of title 18, United States Code.

(5) This subsection.—(A) FOREIGN GOVERNMENT ENTITY.—The term ‘foreign government entity’ includes—

(i) any person employed by—

1. (I) any department, agency, or other entity of a foreign government at the national, regional, or local level;

(ii) any governing party or coalition of a foreign government at the national, regional, or local level; or

(iii) any entity majority-owned or majority-controlled by a foreign government at the national, regional, or local level;

(ii) in the case of a country described in paragraph (3), any company, economic project, organization, exchange program, or nongovernmental organization that is more than 33 percent owned or controlled by the government of such country.

(B) PERSON.—The term ‘person’ does not include representation by an attorney, who is duly licensed and authorized to provide legal advice in a United States jurisdiction, of a person or entity in a legal capacity or for the purposes of rendering legal advice.

(6) NOTICE OF RESTRICTIONS.—Any person subject to the restrictions of this subsection shall be provided notice of these restrictions by the Department of State upon appointment by the President, and subsequently upon reappointment or promotion with the Department of State.

(7) EFFECTIVE DATE.—The restrictions under this subsection shall apply only to persons who are appointed by the President to the positions referenced in this subsection on or after 120 days after the date of the enactment of this subsection.

(8) SUNSET.—The enhanced restrictions under paragraph (3) shall expire on the date that is 7 years after the date of the enactment of this section.


Section 9 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431d(d)) is amended by adding at the end the following new paragraphs:

(9) $20,000,000 for fiscal year 2021.

(10) $20,000,000 for fiscal year 2022.

(11) $20,000,000 for fiscal year 2023.

(12) $20,000,000 for fiscal year 2024.

(13) $20,000,000 for fiscal year 2025.

(14) $20,000,000 for fiscal year 2026.

(15) $20,000,000 for fiscal year 2027.

SEC. 6038. INCENTIVES FOR STATES TO CREATE SEXUAL ASSAULT SURVIVORS’ BILL OF RIGHTS.

(a) DEFINITION OF COVERED FORMULA GRANT.—In this section, the term ‘covered formula grant’ means a grant under part T of title IV of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 2411 et seq.) (commonly referred to as the ‘STOP Violence Against Women Formula Grant Program’).

(b) GRANT INCREASE.—The Attorney General shall increase the amount of the covered formula grant provided to a State in accordance with this section if the State has in effect a law that provides for sexual assault survivors the rights, at a minimum, under section 1619 of United States Code.

(c) APPLICATION.—A State seeking an increase to a covered formula grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require, including information about the law described in subsection (b).

(d) PERIOD OF INCREASE.—The Attorney General may not provide an increase in the amount of the covered formula grant provided to a State under this section more than 4 times.

SEC. 6039. INTERAGENCY STRATEGY TO DISRUPT AND DISTRIBUTE ILICIT NARCOTICS PRODUCTION AND TRAFFICKING AND AFFILIATED NETWORKS LINKED TO THE REGIME OF BASHAR AL-LAADASS IN SYRIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) the Captagon trade linked to the regime of Bashar al-Assad in Syria is a transnational security threat; and

(2) the United States should develop and implement an interagency strategy to deny, degrade, and dismantle Assad-linked narcotics production and trafficking networks.

(b) DESCRIPTION.—For purposes of this section, the term ‘appropriate congressional committee’ means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Foreign Relations of the Senate;

(5) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) the Select Committee on Intelligence of the Senate;

(7) the Committee on Armed Services of the House of Representatives;

(8) the Committee on Appropriations of the House of Representatives;

(9) the Committee on the Judiciary of the House of Representatives;

(10) the Committee on Foreign Affairs of the House of Representatives;

(11) the Committee on Financial Services of the House of Representatives;

(12) the Permanent Select Committee on Intelligence of the House of Representatives;

(13) the Select Committee on Intelligence of the House of Representatives;

(c) STRATEGIES.—(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 Secretary of State, the Attorney General, the Secretary of the Treasury, the Director of National Intelligence, the Director of the Office of National Drug Control Policy, and the heads of other appropriate Federal agencies, shall provide a written strategy (with a classified annex, if necessary), to the appropriate congressional committees and the Select Committee on Intelligence of the Senate, containing such information as the Secretary of Defense shall determine is necessary to fulfill the purposes of this section, and containing such information as the Secretary of Defense shall determine is necessary to fulfill the purposes of this section.

(2) CONTENT.—The strategy required under paragraph (1) shall include—

(A) a detailed plan for—

(i) targeting, disrupting and degrading networks that are directly associated with the narcotics infrastructure of the Assad regime; and

(ii) an assessment of the counter-narcotics capacity of such countries that are receiving or transiting large shipments of Captagon;

(B)(i) the identification of the countries that are receiving or transiting large shipments of Captagon;

(ii) an assessment of the counter-narcotics capacity of such countries that are receiving or transiting the smuggling of Captagon; and

(iii) an assessment of current United States assistance and training programs to build counter-narcotics capacity of the Assad regime.

(C) the use of sanctions, including sanc-

tions authorized under section 219 of the Foreign Assistance Act of 1961, and actions associated to target individuals and entities directly or indirectly associated with the narcotics infra-
structure of the Assad regime.

(D) the use of global diplomatic engage-

ments associated with the economic pressure campaign against the Assad regime to target its narcotics infrastructure.

(E) leveraging multilateral institutions and cooperation with international partners to disrupt the narcotics infrastructure of the Assad regime; and

(F) mobilizing a public communications campaign to increase awareness of the ex- tension of the connection of the Assad regime to the illicit narcotics trade.

SEC. 6039A. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY伺服ICE INSTITUTIONS REGARDING NATIONAL SECURITY INNOVATION NETWORK (NSIN) PROGRAM.—

(d) P ERIOD OF INCREASE.—The Attorney General shall provide a written strategy (with a clas-

ified annex, if necessary), to the appropriate congressional committees and the Select Committee on Intelligence of the House of Representatives; and

(e) BRIEFING.—Not later than one year after the initiation of any pilot activities under subsection (b), the Secretary of Defense shall brief the appropriate congressional committees on the results of any activities conducted under the aforementioned pilot program, including—

(1) the results of outreach efforts;

(2) the success of expanding NSIN pro-

grams to historically Black colleges and univer-

sities and minority serving institutions; and

(3) the potential barriers to expansion; and

(4) recommendations for how the Depart-

ment of Defense can support such institu-

tions to successfully participate in Depart-

ment of Defense commercialization, innova-

tion, and entrepreneurial activities of the Department of Defense.

SEC. 6039B. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO TRANSFER EXCESS AIRCRAFT TO STATES.

Section 1001 of the National Defense Au-

thorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2576 note) is amended—

(1) in the section heading, by inserting “AND TO STATES” after “FEDERAL GOVERN-

MENTS”;

(2) in subsection (a), in the first sentence, by striking “and the Secretary of Homeland Security for use by the Forest Service and the Department of Homeland Security for use by
the United States Coast Guard, and to the Governor of a State;"
(3) in subsection (b)—
(a) in paragraph (1), by striking "or the United States Coast Guard as a suitable platform to carry out wildfire suppression, search and rescue, or emergency operations pertaining to wildfires;"
(b) in paragraph (4), by striking the period at the end and inserting "; and"
(c) in paragraph (5), by adding at the end the following new paragraph:
"(5) in the case of aircraft to be transferred to the Governor of a State, acceptable for use by the State, as determined by the Governor;"
(4) by striking subsection (c);
(5) in subsection (d)—
(A) in paragraph (1)—
(i) by striking "up to seven"; and
(ii) by inserting "the Governor of a State or to"; and
(B) by amending paragraph (2) to read as follows:
"(2) EXPANION OF RIGHT OF REFUSAL.—A right of refusal afforded the Secretary of Agriculture or the Secretary of Homeland Security under paragraph (1) with regards to an aircraft shall expire upon official notification by the Secretary of Defense that such Secretary declines such aircraft.";
(6) in subsection (e)—
(A) in the matter preceding paragraph (1), by inserting "or to the Governor of a State" after "the Governor of a State;";
(B) in paragraph (1), by striking "wildfire suppression, search and rescue, or emergency operations pertaining to wildfires;" and
(C) in paragraph (2)—
(i) by inserting "search and rescue, emergency operations pertaining to wildfires," after "efforts;" and
(ii) by inserting "or to the Governor of the State, as the case may be," after "Secretary of Agriculture;"
(7) in subsection (f), by striking "or the Secretary of Homeland Security, or the Governor of a State;";
(8) in subsection (g), by striking "and the Secretary of Homeland Security;" and inserting "or Governor of the State to which such aircraft was transferred;"
(9) by adding at the end the following new subsection:
"(h) REPORTING.—Not later than December 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on aircraft transferred during the fiscal year preceding the date of such report to—
"(1) the Secretary of Agriculture, the Secretary of Homeland Security, or the Governor of a State under this section;"
"(2) the chief executive officer of a State under section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1319); or"
"(3) the Secretary of the Air Force or the Secretary of Agriculture under section 1098 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 881);"; and
(10) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively.
SEC. 6083C. HBCU RISE.
(a) DEFINITIONS.—In this section:
(1) the term "eligible institution" means a historically Black college or university or other minority-serving institution that is classified as a high research activity status institution for fiscal year 2022 or for fiscal year 2023, as determined by the Carnegie Classification of Institutions of Higher Education.
(2) the term "high research activity status" means R1 status, as classified by the Carnegie Classification of Institutions of Higher Education.
(3) the term "historically Black college or university" has the meaning given the term "participation" in the Higher Education Act of 1965 (20 U.S.C. 1061).
(4) the term "other minority-serving institutions" means an institution of higher education specified in paragraphs (2) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067a(a)).
(5) the term "Secretary" means the Secretary of Defense.
(6) the term "very high research activity status" means R1 status, as classified by the Carnegie Classification of Institutions of Higher Education.
(7) the term "very high research activity status indicators" means the categories used by the Carnegie Classification of Institutions of Higher Education to delineate which institutions have very high research activity status, including—
(A) annual expenditures in science and engineering;
(B) per-capita (faculty member) expenditures in science and engineering;
(C) annual expenditures in non-science and engineering fields;
(D) per-capita (faculty member) expenditures in non-science and engineering fields;
(E) doctorates awarded in science, technology, engineering, and mathematics fields;
(F) doctorates awarded in social science fields;
(G) doctorates awarded in the humanities;
(H) doctorates awarded in other fields with a research emphasis;
(I) total number of research staff, including postdoctoral researchers;
(J) other doctorate-holding non-faculty researchers in science and engineering and per-capita (faculty) number of doctorate-level research staff, including post-doctoral researchers; and
(K) other categories utilized to determine classification;
(b) PROGRAM TO INCREASE CAPACITY TOWARDS ACHIEVING VERY HIGH RESEARCH ACTIVITY STATUS.—
(1) PROGRAM.—
(A) IN GENERAL.—The Secretary shall establish and carry out a program to increase the capacity and research activity status of historically Black colleges and universities and other minority-serving institutions toward achieving very high research activity status.
(B) RECOMMENDATIONS.—In establishing such program, the Secretary may consider the recommendations pursuant to section 262 of the National Defense Authorization Act for Fiscal Year 2023 (Public Law 116–92; 116 Stat. 817).
(2) CONSIDERATIONS.—In establishing the program under this section, the Secretary shall consider—
(A) the extent of nascent research capabilities and planned research capabilities at eligible institutions, with respect to research areas of interest to the Department of Defense;
(B) recommendations from previous studies for increasing the level of research activity at high research activity status historically Black colleges and universities and other minority-serving institutions toward achieving very high research activity status classification during the program, including measurable milestones such as growth in very high research activity status indicators and other relevant factors;
(C) how such institutions will sustain the increased level of research activity;
(D) how such institutions will evaluate and assess progress;
(E) reporting requirements for such institutions participating in the program;
(F) the number of historically Black colleges and universities and other minority-serving institutions.
(3) PROGRAM COMPONENTS.—
(A) ELEMENTS.—The Secretary may consider aspects of the program that address—
(i) faculty professional development;
(ii) stipends for undergraduate and graduate students and post-doctoral scholars;
(iii) laboratory equipment and instrumentation;
(iv) recruitment and retention of faculty and graduate students;
(v) communication and dissemination of products produced as part of the program;
(vi) construction, modernization, rehabilitation, or retrofitting of facilities for research purposes; and
(vii) creation of a center or facility necessary to build capacity in achieving very high research activity status indicators.
(B) PRIORITY AREAS.—The Secretary shall establish and implement a list of research priorities for STEM and critical technologies appropriate for the program established under this section.
(c) EVALUATION.—Not later than 2 years after the date of the enactment of this section and every 2 years thereafter until the termination of the program, the Secretary shall conduct and submit a report to the Committees on Armed Services of the Senate and the House of Representatives providing an update on the program, including—
(1) activities carried out under the program;
(2) an analysis of the growth in very high research activity status indicators of eligible institutions that participated in the program under this section; and
(3) emerging research areas of interest to the Department of Defense conducted by eligible institutions that participated in the program under this section.
(d) TERMINATION.—The program established by this section shall terminate 10 years after the date on which the Secretary establishes such program.
(e) REPORT TO CONGRESS.—Not later than 180 days after the termination of the program under subsection (d), the Secretary shall prepare and submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the program that includes the following:
(1) an analysis of the growth in very high research activity status indicators of eligible institutions that participated in the program under this section;
(2) an evaluation on the effectiveness of the program in increasing the research capabilities of eligible institutions; and
(3) a description of how institutions that have achieved very high research activity status plan to sustain that status beyond the duration of the program.
(4) an evaluation of the maintenance of very high research status by eligible institutions that participated in the program under this section.
(5) an evaluation of the effectiveness of the program in increasing the diversity of students conducting high quality research in unique areas.
(6) recommendations with respect to additional activities and investments necessary to elevate the research status of historically Black colleges and universities and other minority-serving institutions.
(7) Recommendations on whether the program established under this section should be renewed or expanded.

SEC. 5030D. OFFICE OF CIVIL RIGHTS AND INCLUSION.

(a) Short Title.—This section may be cited as the “Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022.”

(b) Establishment of Office.—Section 513 of the Homeland Security Act of 2002 (6 U.S.C. 744) is amended to read as follows—

SEC. 513. OFFICE OF CIVIL RIGHTS AND INCLUSION.

“(a) Definitions.—In this section—

“(1) the term ‘appropriate committees of Congress’ means—

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

“(B) the Committee on Transportation and Infrastructure, the Committee on Oversight and Reform, and the Committee on Homeland Security of the House of Representatives;

“(2) the term ‘Director’ means the Director of the Office of Civil Rights and Inclusion; and

“(3) the term ‘disaster assistance’ means assistance provided under titles IV and V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.); and

“(4) the term ‘Office’ means the Office of Civil Rights and Inclusion; and

“(5) the term ‘underserved community’ means—

“(A) a rural community;

“(B) a low-income community;

“(C) the disability community;

“(D) the Native American, Alaska Native, and Native Hawaiian communities;

“(E) the African-American community;

“(F) the Asian community;

“(G) persons including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin community;

“(H) the Pacific Islander community;

“(I) the Middle Eastern and North African community; and

“(J) any other historically disadvantaged community, as determined by the Director.

“(b) Office of Civil Rights and Inclusion.—

“(1) In General.—The Office of Equal Rights of the Agency shall, and on and after the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, be known as the Office of Civil Rights and Inclusion.

“(2) Purpose.—Any reference to the Office of Equal Rights of the Agency in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Office of Civil Rights and Inclusion.

“(c) Director.—

“(1) Appointments.—The Office shall be headed by a Director, who shall report to the Administrator.

“(2) Appointment.—The Director shall have documented experience and expertise in civil and human rights, as well as experience in disaster response research, disaster preparedness, or resilience disparities elimination.

“(d) Purpose.—The purpose of the Office is to—

“(1) improve underserved community access to disaster assistance;

“(2) improve the quality of disaster assistance received by underserved communities;

“(3) eliminate underserved community disparities in the delivery of disaster assistance; and

“(4) carry out such other responsibilities of the Office of Equal Rights as in effect on the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined appropriate by the Administrator.

“(e) Authorities and Duties.—

“(1) In General.—The Director shall be responsible for—

“(A) improving—

“(i) underserved community access to disaster assistance before and after a disaster; and

“(ii) the quality of Agency assistance underserved communities receive;

“(B) reviewing preparedness, response, and recovery programs and activities of the Agency to ensure the elimination of underserved communities in the delivery of such programs and activities; and

“(C) carrying out such other responsibilities in emergency preparedness, response for the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined appropriate by the Administrator.

“(2) Reducing Disparities in Preparedness, Response, and Recovery.—

“(A) In General.—The Director shall develop measures to evaluate the effectiveness of the activities of program offices in the Agency and the activities of recipients aimed at reducing disparities in the services provided to underserved communities.

“(B) Requirement.—The measures developed under subparagraph (A) shall—

“(i) evaluate community outreach activities, language services, workforce competence, historical assistance for grants and loans provided to individuals and State, local, tribal, and territorial governments, the effects of disaster declaration thresholds on underserved communities, the percentage of contracts awarded to underserved businesses, historical barriers to equitable assistance across race and class during and after disasters, and other areas, as determined by the Director; and

“(ii) identify the communities implicated in the evaluations conducted under clause (i).

“(C) Coordination with Other Offices.—In carrying out this section, the Director shall—

“(i) participate in scenario-based disaster response exercises at the Agency;

“(ii) coordinate with the Office of Minority Health of the Department of Health and Human Services;

“(iii) coordinate with the Office of Civil Rights of the Department of Housing and Urban Development;

“(iv) as appropriate, coordinate with other relevant offices across the Federal Government, including by leading a voluntary task force to address the response needs of underserved communities;

“(v) coordinate with the Office for Civil Rights and Civil Liberties of the Department; and

“(vi) investigate allegations of unequal disaster assistance based on race or ethnic origin or refer those allegations to the appropriate office.

“(f) Grants and Contracts.—In carrying out this section, to further inclusion and engagement of underserved communities throughout preparedness, response, recovery, and mitigation and to eliminate underserved community disparities in the delivery of disaster assistance, as described in subsection (d), the Administrator shall—

“(1) administer and evaluate Agency programs and activities, including the programs and activities of recipients of preparedness, response, recovery, and mitigation grants and contracts, to—

“(A) further inclusion and engagement of underserved communities and underserved businesses; and

“(B) improve outcomes for underserved communities tied to Agency programs and activities;

“(2) establish an underserved community initiative to award grants to, and enter into cooperative agreements and contracts with, nonprofit entities.

“(g) Disability Coordinator.—

“(1) In General.—There shall be within the Office a Disability Coordinator to ensure that the needs of individuals with disabilities are being properly addressed by programs engaging with disaster and underserved communities and State, local, and tribal governments in emergency preparedness and disaster relief.

“(h) Responsibilities.—The Disability Coordinator shall be responsible for—

“(A) providing guidance and coordination on matters relating to individuals with disabilities in emergency preparedness, response, and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

“(B) working with the staff of the Agency, the National Council on Disability, the Interagency Coordinating Council on Preparedness and Individuals with Disabilities established under Executive Order 13476 (6 U.S.C. 314 note; relating to individuals with disabilities in emergency preparedness), other agencies of the Federal Government, and State, local, and tribal government authorities relating to the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

“(C) ensuring the coordination and dissemination of best practices and model evacuation plans and sheltering for individuals with disabilities;

“(D) ensuring the development of training materials and a curriculum for training emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

“(E) promoting the accessibility of telephone hotlines and websites relating to emergency preparedness, evacuations, and disaster relief;

“(F) working to ensure that video programs and distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision services, make emergency informa-

“(G) providing guidance and implementing policies to external stakeholders to ensure that the rights and wishes of individuals with disabilities regarding post-evacuation resettlement and relocation are respected; and

“(H) ensuring that meeting the needs of individuals with disabilities is a component of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 744); and

“(I) coordinate technical assistance for Agency programs based on input from underserved communities through a designee of the Director; and

“(J) any other duties assigned by the Director.

“(i) Reports.—

“(1) In General.—Not later than 1 year after the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, and biennially thereafter, the Administrator shall submit to the

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appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

"(2) Each such report submitted under paragraph (1) shall include—

(A) a narrative on activities conducted by the Office;

(B) a table of results of the measures developed to evaluate the effectiveness of activities aimed at reducing preparedness, response, and recovery disparities; and

(C) a narrative of the type of allegations of unequal disaster assistance investigated by the Director or referred to other appropriate offices.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2130) is amended by striking the item relating to section 513 (6 U.S.C. 321b) and inserting the following:

"Sec. 513. Office of Civil Rights and Inclusion.

(d) COVID–19 RESPONSE.—(1) IN GENERAL.—During the period of time for which there is a major disaster or emergency declared by the President under title 42, or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191), declared under title 42, or 501, respectively, by the Director of the Office of Civil Rights and Inclusion shall regularly consult with State, local, territorial, and Tribal government officials and community-based organizations from underserved communities the Office of Civil Rights and Inclusion identifies as disproportionately impacted by COVID–19.

(2) TECHNICAL INCLUSION.—The Federal Advisory Commission Act (5 U.S.C. App.) shall not apply to any consultation conducted under paragraph (1).

SEC. 6039E. IMPROVED APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF ALL MEMBERS OF UNIFORMED SERVICES.

(a) IN GENERAL.—Paragraph (5) of section 4303 of title 38, United States Code, is amended to read as follows:

"(5) The term ‘federal executive agency’ includes—

(i) the United States Postal Service;

(ii) the Postal Regulatory Commission;

(iii) any nonappropriated fund instrumentality of the United States;

(iv) any Executive agency (as defined in section 105 of title 5); and

(v) any military department (as defined in section 102 of title 5) with respect to the civilian employees of that department; and

(B) does not include—

(i) an agency referred to in section 2302(a)(2)(C)(ii) of title 5;

(ii) the National Oceanic and Atmospheric Administration with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration; or

(iii) the Public Health Service with respect to members of the Commissioned Corps of the Public Health Service serving on active duty, active duty for training, or inactive duty training;

(b) TECHNICAL CORRECTION.—Paragraph (16) of section 105 of such section is amended by striking ‘‘commissioned corps of the Public Health Service’’ and inserting ‘‘Commissioned Corps of the Public Health Service’’.

SEC. 6039F. WEATHERIZATION ASSISTANCE PROGRAMS FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.

(a) WEATHERIZATION READINESS FUND.—Section 414 of the Energy Conservation and Production Act (42 U.S.C. 6864) is amended by adding at the end the following:

"(d) WEATHERIZATION READINESS FUND.—

(1) IN GENERAL.—The Secretary shall establish the ‘‘Weatherization Readiness Fund’, from which the Secretary shall distribute funds to States receiving financial assistance under this part, in accordance with section (a).

(2) USE OF FUNDS.—(A) IN GENERAL.—A State receiving funds under paragraph (1) shall use the funds for repairs to dwelling units described in subparagraph (B) that will remediate the applicable structural defects or hazards of the dwelling unit so that weatherization measures may be installed.

(B) DWELLING UNIT.—A dwelling unit referred to in subparagraph (A) is a dwelling unit occupied by a low-income person that, on inspection pursuant to the program under this part, was found to have significant defects or hazards that prevented the installation of weatherization measures under the program.

(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 422, there is authorized to be appropriated from the fund created under subsection (a) of this section $30,000,000 for each of fiscal years 2023 through 2027.

(c) TECHNICAL AMENDMENTS.—(A) except as provided in subparagraph (E), the following:

(ii) the Public Health Service with respect to COVID–19, the Director of the Office;

(iii) the Postal Regulatory Commission;

(iv) any nonappropriated fund instrumentality of the United States.

"(i) in subparagraph (A)(i), by striking ''415(c)(6)(A)'' and inserting ''415(c)(7)'';

(ii) in subparagraph (A)(ii), by striking ''415(c)(6)(B)'' and inserting ''415(c)(7)'';

(iii) in subparagraph (E), by adding a period at the end;

(iv) in paragraph (D), by redesignating paragraph (6) as paragraph (7);

(v) in paragraph (5), by striking ''effective dur-"
"(D) AVAILABILITY.—Unobligated amounts shall be available pursuant to subparagraphs (B) and (C) only to the extent and in such amounts as provided in advance in appropriations acts for the fiscal year beginning on the date of enactment of the CHIP-ION Improvement Act of 2022, subject to subparagraph (E).

"(E) LIMITATION.—Unobligated amounts made available to the Secretary under subparagraphs (B) and (C) may not exceed 40 percent of the amount appropriated for the facility before the date on which the Secretary and the entity entered into a formal agreement under subsection (c)."

(3) In subsection (j)—

(A) by striking "RULE" and inserting "RULES";

(B) by striking "Nothing in" and inserting the following:

"(1) ENTERING ARRANGEMENTS AND AGREEMENTS.—Nothing provided under this section shall be treated as Federal financial assistance as defined in section 200.40 of title 2, Code of Federal Regulations, as in effect on February 21, 2021.";

(C) ESCALATION CLAUSES.—

"(aa) are unobligated balances available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts described in paragraphs (A) or (B) if—

"(i) the Secretary determines that so is in the best interest of the Department and consistent with the mission of the Department; and

(ii) funding provided under this subparagraph is in addition to amounts that have been appropriated for the facility before the date on which the Secretary and the entity entered into a formal agreement under subsection (c) for the construction and donation of the real property and improvements to be donated under the pilot program and proposed to be accepted by the Secretary under subsection (A) or (B); and

"(bb) by redesignating subparagraph (B) as subparagraph (F); and

(D) by inserting after subparagraph (A) the following new subparagraph:

"(BB) unappropriated amounts provided under this section shall be treated as Federal financial assistance as defined in section 200.40 of title 2, Code of Federal Regulations, as in effect on February 21, 2021.";

SEC. 6041. SHORT TITLE.

This subtitle may be cited as the "Daniel Anderl Judicial Security and Privacy Act of 2021."

SEC. 6042. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Federal judiciary perform the important function of interpreting the Constitution of the United States and administering justice in a fair and impartial manner.

(2) In recent years, partially as a result of the rise in the use of social media and online information sharing, the identities of Federal judges and other judiciary personnel are publicly used by an at-risk individual.

(3) Data brokers have increased the use of information concerning an individual who is an at-risk individual; or

(4) The rise in the use of social media and online information sharing makes it easier for malicious actors to discover information concerning an individual who is an at-risk individual.

(b) PURPOSE.—The purpose of this subtitle is to improve the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family members to ensure Federal judges are able to administer justice fairly without fear of personal reprisal for individuals affected by the decisions they make in the course of carrying out their public duties.

SEC. 6043. DEFINITIONS.

In this subtitle:

(1) AT-RISK INDIVIDUAL.—The term "at-risk individual" means—

(A) a Federal judge;

(B) a senior, recalled, or retired Federal judge;

(C) any individual who is the spouse, parent, sibling, or child of an individual described in subparagraph (A) or (B);

(D) any individual to whom an individual described in subparagraph (A) or (B) stands in loco parentis; or

(E) any other individual living in the household of an individual described in subparagraph (A) or (B).

(2) COVERED INFORMATION.—The term "covered information"—

(A) means—

(i) a home address, including primary residence or secondary residences;

(ii) a home or personal mobile telephone number;

(iii) a personal email address;

(iv) a social security number or driver’s license number;

(v) a bank account or credit or debit card information;

(vi) a license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by an at-risk individual;

(vii) information identifying the immediate family of an at-risk individual under the age of 18;

(viii) the full date of birth;

(ix) information regarding current or future school or day care attendance, including the name or address of the school or day care, schedules of attendance, or routes taken to or from the school or day care by an at-risk individual;

(x) information regarding the employment location of an at-risk individual, including the name or address of the employer, employment schedules, or routes taken to or from the employer by an at-risk individual; and

(B) does not include information regarding employment with a Government agency.

(3) DATA BROKER.—

(A) IN GENERAL.—The term "data broker" means a commercial entity engaged in collecting, assembling, or maintaining personal information concerning an individual who is not a customer, client, or an employee of that entity in order to sell the information or otherwise profit from providing third-party access to the information.

(B) EXCLUSION.—The term "data broker" does not include a commercial entity engaged in the following activities:

(i) Engaging in reporting, news-gathering, speaking, or other activities intended to inform the public on matters of public interest concerning an at-risk individual;

(ii) Providing 411 directory assistance or directory information services, including age delivery driver, opening fire upon arrival, and killing Daniel Anderl, the 20-year-old only son of Judge Salas, and seriously wounding Mark Anderl, her husband.

In the aftermath of the recent tragedy that occurred to Judge Salas and in response to the continuous rise of threats against members of the Federal judiciary, there is an immediate need for enhanced security procedures and increased availability of tools to protect Federal judges and their families.

(b) PURPOSE.—The purpose of this subtitle is to improve the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family members to ensure Federal judges are able to administer justice fairly without fear of personal reprisal for individuals affected by the decisions they make in the course of carrying out their public duties.

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(iv) a social security number or driver’s license number;

(v) a bank account or credit or debit card information;

(vi) a license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by an at-risk individual;

(vii) information identifying the immediate family of an at-risk individual under the age of 18;

(viii) the full date of birth;

(ix) information regarding current or future school or day care attendance, including the name or address of the school or day care, schedules of attendance, or routes taken to or from the school or day care by an at-risk individual;

(x) information regarding the employment location of an at-risk individual, including the name or address of the employer, employment schedules, or routes taken to or from the employer by an at-risk individual; and

(B) does not include information regarding employment with a Government agency.

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(b) PURPOSE.—The purpose of this subtitle is to improve the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family members to ensure Federal judges are able to administer justice fairly without fear of personal reprisal for individuals affected by the decisions they make in the course of carrying out their public duties.
name, address, and telephone number, on behalf of or as a function of a communications carrier.

(3) Using personal information internally, providing to individuals and businesses under common ownership or affiliation by corporate control, or selling or providing data for a transaction or service requested by or on the basis of whose personal information is being transferred.

(4) Providing publicly available information via real-time or near-real-time alert services for law enforcement.

(5) A consumer reporting agency subject to the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(6) A financial institution to subject to the Gramm-Leach-Bliley Act (Public Law 106-102) and regulations implementing that title.


(8) The collection and sale or licensing of covered information incidental to conducting the activities described in clauses (1) through (7).

(9) A judge confirmed by the United States Senate and empowered by statute in any capacity to perform the duties of a Federal judge;

(A) a justice of the United States or a judge of the United States, as those terms are defined in section 451 of title 28, United States Code;

(B) a bankruptcy judge appointed under section 1352 of title 28, United States Code;

(C) a United States magistrate judge appointed under section 631 of title 28, United States Code;

(D) a judge confirmed by the United States Senate and empowered by statute in any capacity to perform the duties of a Federal judge;

(E) a judge of the United States Court of Federal Claims appointed under section 171 of title 28, United States Code;

(F) a judge of the United States Court of Appeals for Veterans Claims appointed under section 2325 of title 38, United States Code;

(G) a judge of the United States Court of Appeals for the Armed Forces appointed under section 942 of title 10, United States Code;

(H) a judge of the United States Tax Court appointed under section 7442 of the Internal Revenue Code of 1986; and

(I) a judge of the United States Tax Court appointed under section 7443A of the Internal Revenue Code of 1986.

(10) A government agency, as defined in section 105 of title 5, United States Code; and

(A) any agency in the judicial branch or legislative branch.

(B) any individual to whom an at-risk individual makes any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice or request shall include information necessary to ensure compliance with this section.

(C) executes a confidentiality agreement with the Government agency.

(D) is subject to the requirements of section 942 of title 10, United States Code; and

(E) operates a State or local database or registry that contains covered information.

(11) A government agency from which the at-risk individual has received services for health or safety purposes.

(12) An entity seeking a grant under this subsection shall submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(13) A government agency to which the at-risk individual has made any request or request required or authorized by this section on behalf of the at-risk individual. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(14) A state or unit of local government, as defined in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 10251); or

(15) An agency of a state or unit of local government; and

(16) A contact center that includes—

(A) the collection of any new types of personal information;

(B) the expansion of existing programs that the State may have enacted in an effort to protect judges’ covered information; and

(C) the development of confidential opt-out systems that will enable at-risk individuals to make a single request to keep judges’ covered information from public records.

(17) A state or unit of local government; and

(18) A state or unit of local government.

SEC. 6044. PROTECTING COVERED INFORMATION IN PUBLIC RECORDS.

(a) Government Agencies.

(1) IN GENERAL.—Each at-risk individual may—

(A) file written notice of the status of the individual as an at-risk individual, for themselves or any other individual living in the household of an at-risk individual,

(B) request that each Government agency described in subparagraph (A) not publicly post or display publically available content that includes covered information of an at-risk individual or their immediate family members.

(C) request that each Government agency described in subparagraph (A) remove the covered information of an at-risk individual from publicly available content not later than 72 hours after such receipt.

(d) DATA BROKERS AND OTHER BUSINESSES.

(1) GRANT PROGRAM TO PREVENT DISCLOSURE OF PERSONAL INFORMATION OF AT-RISK INDIVIDUALS OR IMMEDIATE FAMILY MEMBERS.

(A) AUTHORIZATION.—The Attorney General may make grants to prevent disclosure of covered information of at-risk individuals and immediate family members (in this subsection referred to as ‘‘judges’’ covered information) to the detriment of such individuals or their immediate family members to an entity that—

(i) is—

(I) a State or unit of local government, as defined in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 10251); or

(II) an agency of a State or unit of local government; and

(ii) operates a State or local database or registry that contains covered information.

(B) SCOPE OF GRANTS.—Grants made under this section may be used to—

(i) the creation of programs to redact or remove judges’ covered information, upon the request of an at-risk individual, from public records in State agencies, including hiring a third party to redact or remove judges’ covered information from public records;

(ii) the expansion of existing programs that the State may have enacted in an effort to protect judges’ covered information;

(iii) the development of confidential opt-out programs designed to protect judges’ covered information, including through—

(A) the creation of programs to redact or remove judges’ covered information, upon the request of an at-risk individual, from public records in State agencies, including hiring a third party to redact or remove judges’ covered information from public records;

(B) the expansion of existing programs that the State may have enacted in an effort to protect judges’ covered information;

(C) the development or improvement of protocols, procedures, and policies to prevent the release of judges’ covered information;

(D) the defrayment of costs of modifying or improving existing databases and registries to ensure that judges’ covered information is correctly released; or

(E) the development of confidential opt-out systems that will enable at-risk individuals to make a single request to keep judges’ covered information out of multiple databases or registries.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Comptroller General of the United States, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an annual report that includes—

(i) a detailed amount spent by States and local governments on protecting judges’ covered information; and

(ii) where the judges’ covered information was found; and

(b) STATES AND LOCAL GOVERNMENTS.

(1) IN GENERAL.—A state or unit of local government that receive funds under this subsection shall submit to the Comptroller General of the United States a report on data described in clauses (1) and (2) of subparagraph (A) to be included in the report required under this section.

(d) DATA BROKERS AND OTHER BUSINESSES.

(B) STATES AND LOCAL GOVERNMENTS.

(1) IN GENERAL.—A state or unit of local government that receive funds under this subsection shall submit to the Comptroller General of the United States a report on data described in clauses (1) and (2) of subparagraph (A) to be included in the report required under this section.
(1) best practices for using social media and other forms of online engagement and for maintaining online privacy;

(2) home security program and maintenance;

(3) understanding removal programs and requirements for covered information;

(4) any other judicial security training that the Chief Judge of the United States Courts, the Chief Judge of the United States Marshals Service, and the Administrative Office of the United States Courts determines is relevant.

SEC. 6046. VULNERABILITY MANAGEMENT CAPABILITIES

(a) AUTHORIZATION.—

(1) VULNERABILITY MANAGEMENT CAPABILITIES.—The Chief Judge of the United States Courts, or the Chief Judge of the United States Court of Appeals for the Armed Forces, as applicable, shall be authorized to perform all necessary functions consistent with the provisions of this subtitle and to support existing threat management capabilities within the United States Marshals Service and other relevant Federal law enforcement and security agencies for Federal judges described in subparagraphs (A), (B), (C), (D), and (E) of section 6043(4), including—

(A) monitoring the protection of at-risk individuals and judiciary assets;

(B) managing the monitoring of websites for covered information of at-risk individuals and immediate family members and remove or limit the publication of such information;

(C) receiving, reviewing, and analyzing complaints by at-risk individuals of threats, whether direct or indirect, and report such threats to law enforcement partners; and

(D) providing training described in section 6045.

(2) VULNERABILITY MANAGEMENT FOR CERTAIN ARTICLE I COURTS.—The functions and support authorized in paragraph (1) shall be authorized as follows:

(A) The chief judge of the United States Court of Appeals for the Armed Forces is authorized to perform such functions and support for the Federal judges described in section 6043(4)(F).

(B) The United States Court of Appeals for the Armed Forces is authorized to perform such functions and support for the Federal judges described in section 6043(4)(F).

(C) The United States Tax Court is authorized to perform such functions and support for the Federal judges described in subparagraphs (B) and (1) of section 6043(4).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 6046(a) of title 28, United States Code is amended—

(A) in paragraph (23), by striking ‘‘and’’ at the end;

(B) by redesignating paragraph (24) as paragraph (25); and

(C) by inserting after paragraph (23) the following:

‘‘(24) Establish and administer a vulnerability management program in the judicial branch; and

(b) EXPANSION OF CAPABILITIES OF OFFICE OF PROTECTIVE INTELLIGENCE.—

(1) IN GENERAL.—The United States Marshals Service is authorized to expand the current capabilities of the Office of Protective Intelligence of the Judicial Security Division to increase the workforce of the Office of Protective Intelligence to include additional intelligence analysts, United States deputy marshals, and any other relevant personnel to ensure that the Office of Protective Intelligence is authorized to perform all necessary functions, consistent with the provisions of this subtitle, in order to anticipate and deter threats to the Federal judiciary, including—

(A) assigning personnel to State and major urban area fusion and intelligence centers for the specific purpose of identifying potential threats to the Federal judiciary and coordinating responses to such potential threats;

(b) PROTECTION OF COVERED INFORMATION.—This subtitle shall be broadly construed to protect the confidentiality of the covered information of at-risk individuals and their immediate family members.
SEC. 6048. SEVERABILITY.
If any provision of this subtitle, an amendment
made by this subtitle, or the applica-
tion of such provision or amendment to any
person or circumstance is held to be uncon-
stitutional, the remainder of this subtitle
and the amendments made by this subtitle,
and the application of the remaining provi-
sions of this subtitle and amendments to
any person or circumstance shall not be affected.

SEC. 6049. EFFECTIVE DATE.
(a) IN GENERAL.—Except as provided in
subsection (b) of this section, this subtitle shall take effect on
the date of enactment of this Act.
(b) EXCEPTION.—Subsections (c)(1), (d), and
(e) of section 6944 shall take effect on the
date 120 days after the date of enact-
ment of this Act.

Subtitle I—21st Century Assistive Technology Act

SEC. 6051. SHORT TITLE.
This subtitle may be cited as the ‘‘21st
Century Assistive Technology Act’’.

SEC. 6052. REAUTHORIZATION.
The Assistive Technology Act of 1998 (29
U.S.C. 3001 et seq.) is amended to read as fol-
ows:

‘‘SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
‘‘(a) SHORT TITLE.—This Act may be cited as the
‘‘21st Century Assistive Technology Act’’.
‘‘(b) TABLE OF CONTENTS.—The table of
contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.
Sec. 4. Grants for State assistive tech-
nology programs.
Sec. 5. Grants for protection and advocacy services related to assistive
technology.
Sec. 6. Technical assistance and data col-
gestion.
Sec. 7. Projects of national significance.
Sec. 8. Administrative provisions.
Sec. 9. Authorization of appropriations; reservations and distribution of funds.

SEC. 2. PURPOSES.
The purposes of this Act are—

‘‘(1) to support State efforts to improve the provision of assistive technology to individ-
uals with disabilities through comprehensive statewide programs of technology-related as-
sistance, for individuals with disabilities of all ages, that are designed to—

(A) increase the availability of, funding for, dissemination of, and training about assistive technology devices and as-
sistive technology services;

(B) increase the ability of individuals with disabilities of all ages to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by educational or human service agencies or between set-
tings of daily living (for example, between home and work);

(C) increase the capacity of public agen-
cies and organizations to provide services for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

(D) increase the involvement of individ-
uals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technol-
y devices and assistive technology services;

(E) increase and promote coordination among public agencies and organizations, between State and local agencies, and between State and local agencies and private entities (such as managed care providers), to ensure that individuals with disabilities are involved in carrying out activities under this Act;

‘‘(2) increase awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures that facilitate the availability or provision of assistive technology devices and assistive technology services; and

‘‘(3) to provide and pay for assistive technology devices and assistive technology services for individuals with disabilities, and, where appropriate, their family members, guardians, advocates, or authorized representatives of such individuals;

‘‘(4) to provide the means for individuals to be able to secure and maintain possession of assistive technology devices and assistive technology services as such individuals make the transition between services offered by educational or human service agencies or between settings of daily living (for example, between home and work);

‘‘(5) increase the awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and entities and the general population; and

‘‘(6) to provide States and protection and advocacy agencies with comprehensive assistance services that supports programs designed to maxi-
mize the ability of individuals with disabil-
ities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and as-
sistive technology services.

SEC. 3. DEFINITIONS.
In this Act:

‘‘(1) ADULT SERVICE PROGRAM.—The term ‘adult service program’ means a program that directly assists an indi-
vidual with a disability or, where appropri-
ate, the family members, guardians, advo-
cates, or authorized representatives of such individual, to—

(A) provide, maintain, modify, or replace
assistive technology devices; or

(B) provide, maintain, modify, or replace
assistive technology services or related admis-
sion, delivery, or discharge services.

‘‘(2) AMERICAN INDIAN CONSORTIUM.—The term ‘American Indian consortium’ means a center of excellence
described in part C of title VII of the Rehabili-
tation Act of 1973 (29 U.S.C. 796 et seq.).

‘‘(3) A PROGRAM CARRIED OUT BY A CENTER FOR—A program carried out by a center for independent living centers described in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); and

‘‘(4) ASSISTIVE TECHNOLOGY DEVICE.—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired or otherwise provided, that assists, maintains, improves, or replaces body functions or members of the body, including a functional evaluation of the impact of the provision of assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and pro-
grams;

‘‘(5) a service consisting of expanding the availability of access to technology, including
electronic and information technology, to individuals with disabilities; and

‘‘(6) a service consisting of providing assistive technology devices and services to individuals who are substantial-
ly involved in carrying out activities under
this Act;

‘‘(7) American Indian Consortium.—The term ‘American Indian consortium’ means an organization that is included in section 106 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002), and is in compliance with the requirements of section 4(e)(6).

‘‘(8) Capacity building and advocacy activities.—The term ‘capacity building and advocacy activities’ means efforts that—

(A) result in laws, regulations, policies, practices, procedures, and organizational structures that promote consumer-responsive programs or entities; and

(B) increase the ability of individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

‘‘(9) Comprehensive statewide program of technology-related assistance.—The term ‘comprehensive statewide program of technology-related assistance’ means a con-
sumer-responsive program of technology-re-
lated assistance for individuals with disabil-
ities that—

(A) is implemented by a State;

(B) is equally available to all individuals with disabilities residing in the State, regard-
less of their type of disability, age, in-
come level, or location of residence in the State, or the type of assistive technology de-
vice or assistive technology service required; and

(C) includes all of the activities described in section 4(e)(6), unless excluded pursuant to section 4(e)(6).

‘‘(10) Consumer-responsive.—The term ‘consumer-responsive’ means with respect to policies, means that the policies are consistent with the principles that—

(i) respect individual dignity, personal responsi-
bility, self-determination, and pur-
suit of meaningful careers, based on in-
formed choice, of individuals with disabil-
ities;

(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

(iii) inclusion, integration, and full partic-
ipation of such individuals in society;

(iv) support for the involvement in deci-
sions of a family member, a guardian, an
advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

(v) support for individual and systems ad-
vocacy and community involvement; and

(vi) any service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

‘‘(11) Consumer-responsive.—The term ‘consumer-responsive’ means with respect to services, means that the entity, program, or activity—

(A) is easily accessible to and available by
individuals with disabilities and, where appro-
priate, their family members, guardians, advoca-
cates, or authorized representatives;
“(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

“(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives in—

“(1) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

“(2) activities related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.

“(9) DISABILITY.—The term ‘disability’ has the meaning given the term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

“(10) INDIVIDUAL WITH A DISABILITY.—The term ‘individual with a disability’ means any individual of any age, race, or ethnicity—

“(A) who has a disability; and

“(B) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

“(11) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ means a community college receiving funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

“(12) PROTECTION AND ADVOCACY SERVICES.—The term ‘protection and advocacy services’ means services that—

“(A) are described in subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794a); and

“(B) assist individuals with disabilities with respect to assistance technology devices and services.

“(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services, acting through the Administrator of the Administration for Community Living.

“(14) STATE.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) through (D) of this subsection, the term ‘state’ means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(B) OUTLYING AREAS.—In section 4(b):

“(1) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(ii) STATE.—The term ‘State’ does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(15) STATE ASSISTIVE TECHNOLOGY PROGRAM.—The term ‘State assistive technology program’ means a program authorized under section 4.

“(16) TARGETED INDIVIDUALS AND ENTITIES.—The term ‘targeted individuals and entities’ means—

“(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

“(B) underrepresented populations, including the aging workforce;

“(C) individuals who work for public or private entities (including centers for independent living described in paragraph (2) of the Rehabilitation Act of 1973 (29 U.S.C. 766c); state and local public health and rehabilitation professionals and hospital employees (including discharge planners); employers, especially small business employers, and providers of employment and training services;

“(D) entities that carry out community programs designed to develop essential community services in rural and urban areas; and

“(E) other appropriate individuals and entities, as determined for a State by the Secretary.

“(17) UNDERREPRESENTED POPULATION.—The term ‘underrepresented population’ means a population that is typically underrepresented in service provision, and includes populations of individuals who have low-incidence disabilities, racial and ethnic minorities, low income individuals, homeless individuals (including children and youth), children in foster care, individuals with limited English proficiency, older individuals, or individuals living in rural areas.

“(18) UNIVERSAL DESIGN.—The term ‘universal design’ means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

“SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PROGRAMS.

“(1) GRANTS TO STATES.—The Secretary shall award grants (b) to States to maintain a comprehensive statewide continuum of integrated assistive technology activities described in subsection (e) through State assistive technology programs that are designed—

“(I) to maximize the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities, and their family members, guardians, advocates, and authorized representatives, to obtain assistive technology; and

“(II) to increase access to assistive technology.

“(2) AMOUNT OF FINANCIAL ASSISTANCE.—

“(A) BASE YEAR.—The grants made available to carry out this section, the Secretary shall award a grant to each eligible State and each outlying area from an allotment determined in accordance with paragraph (2).

“(B) CALCULATION OF STATE GRANTS.—

“(A) BASE YEAR.—Except as provided in subparagraphs (B) and (C), the Secretary shall allot to each State and outlying area for a fiscal year an amount that is not less than the amount the State or outlying area received under the grants provided under subsection (b) for the fiscal year immediately preceding the year described in paragraph (2).

“(B) RATABULAR REDUCTION.—

“(i) IN GENERAL.—If funds made available to carry out this section for any fiscal year are insufficient to make the allotments required for each State and outlying area under subparagraph (A) for such fiscal year, the Secretary shall ratably reduce the allotments to such fiscal year so that the State or outlying area under subparagraph (A) for such fiscal year, the Secretary shall ratably reduce the allotments to such fiscal year so that the

“(ii) ADDITIONAL FUNDS.—If, after the Secretary makes the reductions described in clause (i), additional funds become available to make the allotments described in subparagraph (A), and the Secretary shall—

“(A) APPROPRIATION HIGHER THAN BASE YEAR AMOUNT.—For a fiscal year for which additional funds are made available to carry out this section, the Secretary shall—

“(i) from a portion of the remainder of the funds after the Secretary makes the allotments described in subparagraph (A);

“(ii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clause (i), the Secretary shall—

“(III) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States;

“(IV) from 20 percent of the remainder, allot to each State an amount equal.

“(2) APPROPRIATION HIGHER THAN THRESHOLD AMOUNT.—For a fiscal year for which the amount of funds made available to carry out this section is $40,000,000 or greater, the Secretary shall—

“(i) make the allotments described in subparagraph (A);

“(ii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clause (i), the Secretary shall—

“(I) from 50 percent of the portion, allot to each State an amount that bears the same relationship to such 50 percent as the population of the State bears to the population of all States; and

“(II) from 20 percent of the remainder, allot to each State an amount equal.

“(3) AVAILABILITY OF FUNDS.—Amounts made available for a fiscal year under this section shall be available for the fiscal year and the year following the fiscal year.

“(4) LEAD AGENCY, IMPLEMENTING ENTITY, AND ADVISORY COUNCIL—

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"(I) Lead agency and implementing entity.—

"(i) General.—The Governor of a State shall designate a public agency as a lead agency—

"(I) to control and administer the funds made available through the grant awarded to the State; and

"(II) to submit the application described in subsection (d) on behalf of the State, to ensure conformance with Federal and State accounting and expenditure requirements;

"(ii) Duties.—The duties of the lead agency shall include—

"(I) prepping the application described in subsection (d) and carrying out State activities described in that application, including making programmatic and resource allocation decisions necessary to implement the comprehensive statewide program of technology-related assistance;

"(II) coordinating the activities of the comprehensive statewide program of technology-related assistance among public and private entities, including coordinating efforts related to entering into interagency agreements or maintaining and evaluating the program; and

"(III) coordinating culturally competent efforts related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out through the grant.

"(B) Implementing entity.—The Governor may designate an agency, office, or other entity to carry out State activities under this section (referred to in this section as the 'implementing entity'), if such implementing entity is different from the lead agency. The implementing entity shall carry out responsibilities under this Act through a sub-contract or another administrative agreement with the lead agency.

"(C) Change in agency or entity.—

"(i) General.—On obtaining the approval of the Secretary—

"(I) the Governor may redesignate the lead agency of a State, if the Governor shows to the Secretary good cause why the agency designated as the lead agency should not serve as that agency; and

"(II) the Governor may redesignate the implementing entity of a State, if the Governor shows to the Secretary, in accordance with subsection (d)(2)(B), good cause why the entity designated as the implementing entity should not serve as that entity.

"(ii) Notwithstanding this paragraph, the Governor shall be construed to require the Governor of a State to change the lead agency or implementing entity of the State to an agency or entity different from the lead agency or implementing entity of such State as of the date of enactment of the Assistive Technology Act of 2004 (Public Law 108-364; 118 Stat. 1707).

"(2) Advisory council.—

"(A) General.—There shall be established an advisory council to study and make such recommendations to the State for planning of, implementation of, and evaluation of the activities carried out through the grant, including setting the measurable goals described in subsection (d)(3)(C).

"(B) Composition and representation.—

"(i) Composition.—The advisory council shall be composed of—

"(I) individuals with disabilities who use assistive technology, including older individuals, or the family members or guardians of the individual;

"(II) a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) and the State agency for individuals who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if such agency is separated from the lead agency or implementing entity designated as the implementing entity referred to in subsection (c)(1)(A); and

"(III) a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 726 et seq.); the Independent Living Council established under section 705 of such Act (29 U.S.C. 796d); a representative of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111); (VII) representatives of other State agencies, public agencies, or private organizations, as determined by the State; and

"(B) General.—Any State that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

"(C) Expenses.—The members of an advisory council described in paragraph (1) shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

"(D) Impact on existing statutes, rules, or policies.—Nothing in this paragraph shall be construed to affect any statutes, rules, or official policies relating to advisory bodies for State assistive technology programs or require changes to governing bodies of individuals with disabilities and their families in the State to establish out State assistive technology programs.

"(4) Application.—

"(A) General.—Any State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) Lead agency and implementing entity.—

"(i) General.—The application shall contain—

"(I) information identifying and describing the lead agency referred to in subsection (c)(1)(A); and

"(ii) information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity.

"(ii) A description of how individuals with disabilities were involved in the development of the application and in the implementation of the activities to be carried out through the grant and through the advisory council established in accordance with subsection (c)(2).

"(B) Change in lead agency or implementing entity.—In any case where—

"(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the agency designated as the lead agency should not serve as that agency;

"(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

"(3) State plan.—The application under this subsection shall include a State plan for assistive technology carried out through the grant and through the implementation of the activities to be carried out through the grant and through the advisory council established in accordance with subsection (c)(2).

"(A) General.—Any State that desires to receive a grant under this section shall carry out a statewide continuum of integrated assistive technology services described in subsection (d) and in subsection (e)(6); and

"(B) General.—Any State that desires to receive a grant under this section shall carry out a comprehensive program of assistive technology activities carried out through the grant and through the implementation of the activities to be carried out through the grant.

"(C) Budget allocation.—The State shall establish procedures for State assistive technology programs that receive assistance under such Act (29 U.S.C. 3025(a)(1)) or an organization that receives assistance under such Act (42 U.S.C. 3001 et seq.).

"(D) Impact on existing statutes, rules, or policies.—Nothing in this paragraph shall be construed to affect any statutes, rules, or official policies relating to assistive technology services described in subsection (d) and in subsection (e)(6); and

"(E) Budget allocations.—The State shall meet the following:

"(i) The State shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

"(ii) The Governor may request to redesignate an entity that receives assistance under such Act (29 U.S.C. 3001 et seq.) or an organization that receives assistance under such Act (42 U.S.C. 3001 et seq.).

"(iii) Any organization designated by the Governor as an implementing entity shall meet the following:

"(A) The organization shall be a public agency, nonprofit entity, or the State's lead agency or implementing entity.

"(B) The organization shall meet the following:

"(I) General.—Any State that desires to receive a grant under this section shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

"(3) Budget allocations.—The budget allocations for assistive technology services described in subsection (d) and in subsection (e)(6) shall be carried out through the grant and through the implementation of the activities to be carried out through the grant and through the advisory council established in accordance with subsection (c)(2).

"(B) Change in lead agency or implementing entity.—In any case where—

"(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the lead agency should not serve as that agency;

"(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

"(3) State plan.—The application under this subsection shall include a State plan for assistive technology carried out through the grant and through the implementation of the activities to be carried out through the grant.

"(A) General.—The application shall contain—

"(i) information identifying and describing the lead agency referred to in subsection (c)(1)(A); and

"(ii) information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity.

"(B) General.—Any State that desires to receive a grant under this section shall carry out a comprehensive program of assistive technology activities carried out through the grant and through the implementation of the activities to be carried out through the grant.

"(C) Budget allocations.—The budget allocations for assistive technology services described in subsection (d) and in subsection (e)(6) shall be carried out through the grant and through the implementation of the activities to be carried out through the grant and through the advisory council established in accordance with subsection (c)(2).

"(B) Change in lead agency or implementing entity.—In any case where—

"(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the lead agency should not serve as that agency;

"(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

"(3) State plan.—The application under this subsection shall include a State plan for assistive technology carried out through the grant and through the implementation of the activities to be carried out through the grant.

"(A) General.—Any State that desires to receive a grant under this section shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

"(B) General.—Any State that desires to receive a grant under this section shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

"(3) State plan.—The application under this subsection shall include a State plan for assistive technology carried out through the grant and through the implementation of the activities to be carried out through the grant.

"(A) General.—Any State that desires to receive a grant under this section shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

"(B) General.—Any State that desires to receive a grant under this section shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

"(3) State plan.—The application under this subsection shall include a State plan for assistive technology carried out through the grant and through the implementation of the activities to be carried out through the grant.
in a manner consistent with the data submitted through the progress reports under subsection (f); and

(E) a description of any activities described in subsection (d) that the State will support with State or non-Federal funds.

(4) IN Volvement of public and private entities.—The application shall describe how the public and private entities will be involved in the implementation of the activities to be carried out through the grant, including—

(A) in cases determined to be appropriate by the State, a description of the nature and extent of resources that will be committed by public and private collaborators to assist in accomplishing identified goals; and

(B) a description of the mechanisms established to ensure coordination of activities and collaboration between the implementing entity, if any, and the State.

(5) Assurance.—The application shall include assurances that—

(A) the State will annually collect data related to the required activities implemented by the State under this section in order to prepare the progress reports required under subsection (f);

(B) funds received through the grant—

(i) will be expended in accordance with this Act; and

(ii) will be used to supplement, and not supplant, funds available from other sources for technology-related assistance, including the private technology devices and assistive technology services;

(C) the lead agency will control and administer the funds received through the grant;

(D) the State will adopt such fiscal control and accounting procedures as may be necessary to ensure that the funds described in subparagraph (B) and paragraph (6), any funds available from other sources for the technology-related assistance, and any funds made available under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794), will comply with the standards established by the Architectural and Transportation Barriers Compliance Board under section 508 of such Act and the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

(E) the physical facility of the lead agency or implementing entity, if any, meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding accessibility for individuals with disabilities;

(F) a public agency or an individual with a disability holds title to any property purchased with funds received under the grant and agrees to make such property available to the public.

(G) activities carried out in the State that are authorized under this Act, and supported by Federal funds received under this Act, will not be duplicated or established by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

(H) the State will—

(i) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary’s functions under this Act; and

(ii) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this subparagraph.

(6) USE OF FUNDS.—

(1) REQUIRED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (6), any State that receives a grant under this section shall—

(i) use a portion of not more than 40 percent of the funds made available through the grant to carry out all of the activities described in paragraph (2).

(ii) a description of any activities described in subparagraph (A)(ii) and paragraph (6) that the State will support with State or non-Federal funds.

(B) STATE OR Non-Federal financial support.—A State receiving a grant under this section shall not be required to use grant funds to carry out the category of activities described in paragraph (2)(C) or (D) of paragraph (2) if, in that State—

(i) financial support is provided from State or other non-Federal sources or enti- ties for that category of activities described in subparagraph (A)(ii) and paragraph (6); and

(ii) the amount of the financial support is comparable to, or greater than, the amount of the portion of the funds made available through the grant that the State would have been required to expend for that category of activities, in the absence of this subparagraph.

(2) STATE FINANCING ACTIVITIES.—The State shall support State financing activities to increase access to, and funding for, the needs of targeted individuals and assistive technology services (which shall not include direct payment for such a device or service for an individual with a disability but may include support and administration of a program to provide such payment), including development of systems to provide and pay for such devices and services, for targeted individuals and activities described in section 3(3)(A), including—

(i) support for the development of systems for the purchase, lease, or other acquisition of or assistance to acquire technology devices and assistive technology services;

(ii) another mechanism that is approved by the State; or

(iii) support for the development of a State-financed or privately financed alternative financing program engaged in the provision of assistive technology devices, such as—

(I) a low-interest loan fund;

(ii) an alternative financing program;

(iii) a revolving loan fund; or

(iv) a loan guarantee or insurance program.

(B) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, repair, recycling, or other reutilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donation.

(C) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, develop short-term loan programs that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of individuals and entities, including those seeking to comply with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(D) DEVICE DEMONSTRATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, provide individuals with technology devices and assistive technology services, including assistive technology services, to residents in group residential settings and other settings statewide, including representatives of local educational agencies that serve individuals with disabilities, and entities relating to the availability, benefits, appropriateness, and costs of assistive technology devices and assistive technology services, including—

(i) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals and entities, which may include partnerships with entities in the statewide and local workforce development systems established under the Workforce Innovation and Opportunity Act (20 U.S.C. 3101 et seq.), State or private entities with demonstrated expertise in collaborating with public or private entities that serve individuals with disabilities, public and private employers, or elementary and secondary public schools;
"(II) the development and dissemination to targeted individuals, including older individuals and transition-age youth with disabilities, and entities, of information about State efforts related to assistive technology; and

"(III) the distribution of materials to appropriate public and private agencies that provide educational, employment, and transportation services to individuals with disabilities.

"(ii) STATEWIDE INFORMATION AND REFERRAL SYSTEM.—

"(I) IN GENERAL.—The State shall directly, or in collaboration with public or private (such as nonprofit) entities, provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of targeted individuals as follows:

"(ii) CONTENT.—The system shall deliver information on assistive technology devices, assistive technology services (with specific data regarding provider availability within the State), and the availability of resources, including funding through public and private sources, to obtain assistive technology devices and assistive technology services with respect to enhancing the ability of individuals with disabilities of all ages to perform activities of daily living.

"(C) COORDINATION AND COLLABORATION.—The State shall coordinate activities described in paragraph (2) and this paragraph, among public and private entities that are responsible for policies, procedures, or funding, for the provision of assistive technology devices and assistive technology services to individuals with disabilities, service providers, and for activities related to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State.

"(D) INDIRECT COSTS.—Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

"(E) FUNDING RULES.—

"(A) PROHIBITION.—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

"(B) FEDERAL PARTNER COLLABORATION.—In order to ensure maximum available funding to access and acquire assistive technology through device demonstration, loan, reuse, and State financing activities, a State receiving a grant under this section shall ensure that the lead agency or implementing entity is conducting outreach to, and, as appropriate, collaborating with, other State agencies that receive Federal funding for assistive technology, including—

"(i) the State educational agency receiving assistance under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(ii) the State vocational rehabilitation agency receiving assistance under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

"(iii) the agency responsible for administering the State Medicaid program under title XV of the Social Security Act (42 U.S.C. 1396 et seq.);

"(iv) the State agency receiving assistance under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(v) any other agency in a State that funds assistive technology.

"(6) STATE FLEXIBILITY.—

"(A) SPECIAL RULE.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that the State receives under a grant awarded under this section to carry out any 2 or more of the activities described in paragraph (2).

"(B) SPECIAL RULE.—Notwithstanding paragraph (1)(A) and subject to subparagraph (A)—

"(i) shall carry out each of the required activities described in paragraph (3); and

"(ii) shall use not more than 30 percent of the funds made available through the grant to carry out such activities.

"(7) ASSISTIVE TECHNOLOGY DEVICE DISPOSITION.—Notwithstanding other equipment disposition policy under Federal law, an assistive technology device purchased to be used in connection with an activity described in this section may be reutilized to the maximum extent possible and then donated to a public agency, private nonprofit agency, or individual with a disability as follows:

"(i) ANNUAL PROGRESS REPORTS.—

"(1) DATA COLLECTION.—Each State receiving a grant under this section shall participate in data collection as required by law, including data collection required for preparation of the reports described in paragraph (2).

"(2) REPORTS.—

"(A) IN GENERAL.—Each State shall prepare and submit to the Secretary an annual progress report covering the activities carried out by the State in accordance with subsection (e), including activities funded by State or non-Federal sources under subsection (e)(3)(B) at such time and in such manner, as the Secretary may require.

"(B) CONTENTS.—The report shall include data collected pursuant to this section. The report shall document, with respect to activities carried out under this section in the State—

"(i) the type of State financing activities described in subsection (e)(2)(A) used by the State;

"(ii) the amount and type of assistance given to consumers of the State financing activities described in subsection (e)(2)(A) (which shall be classified by type of assistive technology device or assistive technology service financed, the State financing activities, and geographic distribution within the State), including—

"(aa) the number of applications for assistance received;

"(bb) the number of applications approved;

"(cc) denied; or

"(dd) withdrawn;

"(iii) the number, percentage, and dollar amount of defaults for the financing activities;

"(IV) the range and average interest rate for the financing activities;

"(V) the range and average income of approved applicants for the financing activities; and

"(VI) the states, the types and dollar amounts of assistive technology financed;

"(VII) the number, type, and length of time of loans, loans, and other terms that are included in the terms and conditions of the grants or other assistance, or the extent that other assistance, or the extent that the assistance is used by the State for the purpose of enabling such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

"(2) REPORTS.—

"(A) IN GENERAL.—The Secretary shall make grants under subsection (b) to public agencies for the purpose of establishing such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

"(B) FEDERAL PARTNER COLLABORATION.—In order to ensure maximum available funding to access and acquire assistive technology through device demonstration, loan, reuse, and State financing activities, a State receiving a grant under this section shall ensure that the lead agency or implementing entity is conducting outreach to, and, as appropriate, collaborating with, other State agencies that receive Federal funding for assistive technology, including—

"(i) the State educational agency receiving assistance under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(ii) the State vocational rehabilitation agency receiving assistance under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

"(iii) the agency responsible for administering the State Medicaid program under title XV of the Social Security Act (42 U.S.C. 1396 et seq.);

"(iv) the State agency receiving assistance under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(v) any other agency in a State that funds assistive technology.

"(6) STATE FLEXIBILITY.—

"(A) SPECIAL RULE.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that the State receives under a grant awarded under this section to carry out any 2 or more of the activities described in paragraph (2).

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members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act;

(7) coordinating activities with protection and advocacy services funded through paragraph (2)(B) to coordinate the activities with the capacity building and advocacy activities carried out by the lead agency; and

(8) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and knowledge and understanding of such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

(3) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency of the State designated under section 4(c)(1) the report described in subsection (e) and quarterly updates concerning the activities described in such subsection.

(g) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State with respect to efforts at coordination of activities, collaboration and the outcomes between the lead agency and the entity that receives the grant under this section.

SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION.

(a) Definitions.—In this section:

(1) QUALIFIED DATA COLLECTION AND REPORTING ENTITY.—The term ‘qualified data collection and reporting entity’ means an entity with demonstrated expertise in data collection and reporting as described in section 4(f)(2)(B), in order to—

(A) provide recipients of grants under this Act with training and technical assistance; and

(B) assist such recipients with data collection and data requirements.

(2) QUALIFIED PROTECTION AND ADVOCACY SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The term ‘qualified protection and advocacy system technical assistance provider’ means an entity that has experience in—

(A) working with protection and advocacy systems established in accordance with section 15043 of title 42, Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043); and

(B) providing technical assistance to protection and advocacy systems receiving grants under section 4.

(3) QUALIFIED TRAINING AND TECHNICAL ASSISTANCE PROVIDER.—The term ‘qualified training and technical assistance provider’ means an entity with demonstrated expertise in assistive technology and that has (directly or through a grant or contract)—

(A) experience and expertise in administering, implementing, and administering all of the activities described in section 4(e); and

(B) documented experience and knowledge about—

(i) assistive technology device loan and demonstration;

(ii) assistive technology device reuse;

(iii) financial loans and microlending; and

(iv) the activities of alternative financing programs for assistive technology; and

(4) STATE LEADERSHIP ACTIVITIES.—A qualified technical assistance provider or qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(1) shall support a training and technical assistance program for States or protection and advocacy systems receiving grants under section 4, or, respectively, that—

(i) addresses State-specific information requests concerning assistive technology from entities funded under this Act and public entities not funded under this Act, included in section 3; and

(ii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities relating to improving funding for access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

(iii) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and
organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

(II) dissemination of information on effective approaches to developing, implementing, evaluating, and sustaining activities described in section 4 or 5, as the case may be, and related to acquisition of assistive technology devices and assistive technology services for individuals with disabilities; and

(V) requests for information on effective approaches to the development of computer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services; and

(VI) other requests for training and technical assistance from entities funded under this Act;

(ii) in the case of a program that will serve States receiving grants under section 4—

(I) assists targeted individuals and entities by disseminating information and responding to requests relating to assistive technology by providing referrals to recipients of grants under section 4 or other public or private resources; and

(II) provides State-specific, regional, and national training and technical assistance concerning assistive technology to entities funded under this Act, other entities funded under this Act, and public and private entities not funded under this Act, including—

(a) providing a forum for exchanging information concerning, and promoting program and policy improvements in, required activities of the State assistive technology programs;

(b) facilitating onsite and electronic information sharing using state-of-the-art Internet technologies such as real-time online and reciprocal video conferencing, and web-based audio or video broadcasts, on emerging topics that affect State assistive technology programs;

(c) reporting to States assistive technology programs to discuss and make recommendations with regard to national emerging issues of importance to individuals with disabilities;

(d) sharing best practice and evidence-based practices among State assistive technology programs;

(e) maintaining an accessible website that includes links to State assistive technology programs, appropriate Federal departments and agencies, and private associations;

(f) developing a resource that connects individuals from a State with the State assistive technology program in their State;

(g) providing technical support to improve the areas of assistive technology device loan and demonstration, assistive technology device reuse, State financing, banking, microfinancing, and finance for entities funded under this Act, through site visits, teleconferences, and other means, to ensure access to information for entities that are carrying out not only programs that are not making progress in achieving the objectives of the programs; and

(h) supporting and coordinating activities described in the financial management of purchasing assistive technology for the activities described in section 4(e), and reducing duplication of activities among State assistive technology programs; and

(iii) includes such other activities as the Secretary may require.

(2) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY DATA COLLECTION AND REPORTING ACTIVITY.—A qualified data collection and reporting entity or a qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(2) shall assist States or protection and advocacy systems receiving a grant under section 4 or 5, respectively, to develop and implement effective data collection and reporting systems that—

(A) focus on quantitative and qualitative data elements;

(B) help measure the accrued benefits of the activities to individuals who need assistive technology; and

(C) in the case of systems that will serve States receiving grants under section 4—

(i) measure the outcomes of all activities described in section 4(e) and the progress of the States toward the measurable goals described in section 4(d)(3)(C); and

(ii) provide States with the necessary information required under this Act or by the Secretary for reports described in section 4(f)(2).

SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.

(1) DEFINITION OF PROJECT OF NATIONAL SIGNIFICANCE.—In this section, the term ‘‘project of national significance’’ means—

(A) increases access to, and acquisition of, assistive technology; and

(B) creates or develops grants under section 4 to reutilize durable medical equipment;

(2) PROJECTS.—The Secretary may award grants, contracts, or cooperative agreements under this section if the amount made available under section 9 to carry out sections 4, 5, and 6 is equal to or greater than $40,000,000.

SEC. 8. ADMINISTRATIVE PROVISIONS.

(1) GENERAL ADMINISTRATION.—

(A) AUTHORITY.—Notwithstanding any other provision of law, the Administrator of the Administration for Community Living shall be responsible for the administration of this Act.

(B) COLLABORATION.—The Administrator of the Administration for Community Living shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the National Institute on Disability, Independent Living, and Rehabilitation Research, and other appropriate Federal entities in the administration of this Act.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Administrator may award grants, contracts, or cooperative agreements under this Act to a State or a State agency, or to a nonprofit entity desiring a grant under this section, for a fiscal year, the Secretary at such time, in such manner, and with such conditions as the Secretary may require.

(3) MINIMUM FUNDING LEVEL REQUIRED.—The Secretary may award grants, contracts, or cooperative agreements under this section if the amount made available under section 9 to carry out sections 4, 5, and 6 is equal to or greater than $40,000,000.
“(A) IN GENERAL.—In administering this Act, the Administrator of the Administration for Community Living shall ensure that programs funded under this Act will address—

“(i) the needs of individuals with all types of disabilities and across the lifespan; and

“(ii) the use of assistive technology in all potential programs, including employment, education, and community living, or for other reasons.

“(B) FUNDING LIMITATIONS.—For each fiscal year, more than 5% of the total funding appropriated for this Act shall be used by the Administrator of the Administration for Community Living to support the administration of this Act.

“(b) REVIEW OF PARTICIPATING ENTITIES.—

“(1) IN GENERAL.—The Secretary shall assess the effectiveness and efficiency with which entities that receive grants under this Act are complying with the applicable requirements of this Act and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.

“(2) DISSEMINATION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

“(c) CORRECTIVE ACTION AND SANCTIONS.—

“(1) CORRECTIVE ACTION.—If the Secretary determines that an entity that receives a grant under this Act fails to substantially comply with the applicable requirements of this Act, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity, through technical assistance funded under section 6(b)(1) and section 6(b)(2); and within 90 days after such determination, to develop a corrective action plan.

“(2) SANCTIONS.—If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Secretary:

“(A) Partial or complete termination of funding under the grant program, until the entity develops and complies with such a plan.

“(B) Ineligibility to participate in the grant program in the following year.

“(C) Reduction in the amount of funding that may be used for indirect costs under section 4(c) for the fiscal year.

“(D) Required redesignation of the lead agency designated under section 4(c)(1) or 1 entity responsible for administering the grant program.

“(3) APPEALS PROCEDURES.—The Secretary shall establish procedures for entities that are determined to be in noncompliance with the applicable requirements of this Act, or have not made substantial progress toward achieving the measurable goals described in subsection (b)(1).

“(4) SECURITATIONAL.—As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of such action.

“(5) PUBLIC NOTIFICATION.—The Secretary shall notify the public, by posting on the internet website of the Department of Health and Human Services, of each action taken by the Secretary under paragraph (1) or (2). As a part of the notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of such action.

“(6) ANNUAL REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the activities funded under this Act to improve the access of assistive technology devices and assistive technology services to individuals with disabilities.

“(2) CONTENTS.—Such report shall include—

“(A) a compilation and summary of the information required under subsection (d); and

“(B) a summary of the State applications described in paragraph (1) and the analysis of the progress of the States in meeting the measurable goals established in State applications under section 4(d)(3)(C).

“(e) CONSTRUCTION.—Nothing in this section shall be construed to affect the enforcement authority of the Secretary, another Federal officer, or a court under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.) or other applicable law.

“SEC. 9. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS AND DISTRIBUTION OF FUNDS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

“(1) $50,000,000 for fiscal year 2023; and

“(2) such sums as may be necessary for each of fiscal years 2024 through 2027.

“(b) RESERVATIONS AND DISTRIBUTION OF FUNDS.—Of the funds made available under subsection (a) to carry out this Act and subject to subsection (d), the Secretary shall—

“(1) reserve an amount equal to 3 percent of such available funds to carry out section 4(b)(1) and section 4(b)(2); and

“(2) of the amounts remaining after the reservation under paragraph (1)—

“(A) use 85.5 percent of such amounts to carry out section 4; and

“(B) use 14.5 percent of such amounts to carry out section 5.

“(c) LIMIT FOR PROJECTS OF NATIONAL SIGNIFICANCE.—In any fiscal year for which the amount made available under subsection (a) exceeds $49,000,000, the Secretary may reserve an amount, which shall not exceed the lesser of the excess amount made available or $2,000,000, for a project 7 before carrying out subsection (b).

“SEC. 6053. EFFECTIVE DATE.

“This subtitle, and the amendments made by this subtitle, shall take effect on the day that is 6 months after the date of enactment of this Act.

“TITLE LXI—CIVILIAN PERSONNEL MATTERS

“SEC. 6101. CIVILIAN CYBERSECURITY RESERVE PILOT PROJECT AT THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘Agency’ means the Cybersecurity and Infrastructure Security Agency.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means

“(A) the Committee on Homeland Security and Governmental Affairs; and

“(B) the Committee on Appropriations of the Senate;

“(C) the Committee on Homeland Security of the House of Representatives; and

“(D) the Committee on Oversight and Reform of the House of Representatives; and

“(e) the Committee on Appropriations of the House of Representatives.

“(3) CIVILIAN CYBERSECURITY RESERVE.—The term ‘Civilian Cybersecurity Reserve’ means the Civilian Cybersecurity Reserve at the Agency established under subsection (b).

“(4) COMPETITIVE SERVICE.—The term ‘competitive service’ has the meaning given the term in section 2102 of title 5, United States Code.

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Agency.

“(b) EXCEPTED SERVICE.—The term ‘excepted service’ has the meaning given the term in section 2101 of title 5, United States Code.

“(c) PILOT PROJECT.—The term ‘pilot project’ means the pilot project established by subsection (b).

“(d) SIGNIFICANT INCIDENT.—The term ‘significant incident’—

“(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

“(i) the national security interests, foreign relations, or economy of the United States; or

“(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

“(B) does not include an incident or a portion of a group of related incidents that occurs—

“(i) a national security system, as defined in section 3532 of title 44, United States Code; or

“(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

“(e) TEMPORARY POSITION.—The term ‘temporary position’ means a position in the competitive or excepted service for a period of 180 days or less.

“(f) UNIFORMED SERVICES.—The term ‘uniformed services’ has the meaning given the term in section 2101 of title 5, United States Code.

“(g) PERSON.—When used in this section, the term ‘person’ means an individual.

“Title LXI—Civilian Personnel Matters

“SEC. 6101. CIVILIAN CYBERSECURITY RESERVE PILOT PROJECT AT THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘Agency’ means the Cybersecurity and Infrastructure Security Agency.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means

“(A) the Committee on Homeland Security and Governmental Affairs; and

“(B) the Committee on Appropriations of the Senate;

“(C) the Committee on Homeland Security of the House of Representatives; and

“(D) the Committee on Oversight and Reform of the House of Representatives; and

“(e) the Committee on Appropriations of the House of Representatives.
(4) STATUS AS EMPLOYEES.—An individual appointed under paragraph (3) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.

(5) ADDITIONAL EMPLOYEES.—Individuals appointed under paragraph (3) shall be in addition to any employees of the Agency who provide cybersecurity services.

(6) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, determination of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (3), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(7) STATUS IN RESERVE.—During the period beginning on the date on which an individual is recruited by the Agency to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (3), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(8) ELIGIBILITY: APPLICATION AND SELECTION.—

(A) IN GENERAL.—The Director shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with their role, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and procedures.

(B) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the position, the Agency shall be responsible for the cost of sponsoring the security clearance.

(10) STUDY AND IMPLEMENTATION PLAN.—

(A) STUDY.—Not later than 60 days after the date of enactment of this Act, the Director shall submit to Congress a study on the design and implementation of the pilot project, including—

(i) compensation and benefits for members of the Civilian Cybersecurity Reserve;

(ii) activities that members may undertake as part of their duties;

(iii) methods for identifying and recruiting members, including outreach to traditional qualifications requirements;

(iv) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;

(v) resources necessary, including additional funding, needed to carry out the pilot project;

(vi) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and

(B) IMPLEMENTATION PLAN.—Not later than one year after beginning the study required under paragraph (A), the Director shall—

(i) submit to the appropriate congressional committees an implementation plan for the pilot project; and

(ii) provide to the appropriate congressional committees a briefing on the implementation plan.

(C) PROHIBITION.—The Director may not take any action to begin implementation of the pilot project required under this section, unless the Director fulfills the requirements under subparagraph (B).

(11) PROJECT GUIDANCE.—If the Director establishes the Civilian Cybersecurity Reserve, not later than two years after the date of enactment of this Act, the Director shall, in consultation with the Office of Personnel Management, the Civilian Services, Office of Government Ethics, issue guidance establishing and implementing the pilot project.

(12) BRIEFINGS AND REPORT.—

(A) REPORT.—Not later than one year after the date on which the Director issues guidance establishing and implementing the pilot project under paragraph (11), and every two years thereafter on which the pilot project terminates under subsection (d), the Director shall provide to the appropriate congressional committees a briefing on activities carried out under the pilot project, including—

(i) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;

(ii) an evaluation of the ethical requirements of the pilot project;

(iii) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the Agency during significant incidents;

(iv) an evaluation of the eligibility requirements for the pilot project.

(B) REPORT.—Not earlier than 180 days and not later than 90 days before the date on which the pilot project terminates under subsection (d), the Director shall submit to Congress a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—

(i) whether the pilot project should be modified, extended in duration, or established as a permanent program, and if so, an appropriate scope for the program;

(ii) how to attract participants, ensure a diversity of participants, and address any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve;

(iii) the ethical requirements of the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(13) EVALUATION.—Not later than three years after the Civilian Cybersecurity Reserve is established under subsection (b), the Comptroller General of the United States shall—

(A) conduct a study evaluating the pilot project; and

(B) submit to Congress—

(i) a report on the results of the study; and

(ii) a recommendation with respect to whether the pilot project should be extended in duration, or established as a permanent program.

(d) SUNSET.—The pilot project required under subsection (b) shall terminate on the date that is four years after the date on which the pilot project is established.

(e) NO ADDITIONAL FUNDS.—

(1) IN GENERAL.—No additional funds are authorized to be appropriated for the purpose of carrying out this section.

(2) EXISTING AUTHORIZED AMOUNTS.—Funds to carry out this section may, as provided in advance in appropriations Acts, only come from amounts authorized to be appropriated to the Agency.

TITLE LXI—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 6201. SECURITY COOPERATION ACTIVITIES AT COUNTER-UAS TRAINING ACADEMY.

(a) SENSE OF CONGRESS.—Congress—

(1) supports the Department of Defense’s decision to establish the Counter-UAS Training Academy at Fort Sill, Oklahoma (in this section referred to as the “C-UAS Academy”);

(2) believes the C-UAS Academy will play an important role in synchronizing training on counter-drone tactics across the military services;

(3) recognizes the important role of the C-UAS Academy in the military education and training of foreign partners on counter-unmanned aircraft systems operations; and

(4) encourages the Department of Defense to utilize the C-UAS Academy to expand such efforts.

(b) BRIEFING ON SECURITY COOPERATION EFFORTS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall brief the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate and the Comptroller General of the United States on how the Department of Defense intends to bolster security cooperation activities with allies and partners at the C-UAS Academy, including an identification of potential gaps in the training and any barriers to achieving them.
SEC. 6202. UNITED STATES – ISRAEL ARTIFICIAL INTELLIGENCE CENTER.

(a) Short Title.—This section may be cited as the “United States - Israel Artificial Intelligence Center Act”.

(b) Defined Term.—The term “foreign country of concern” means the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, and any other country that the Secretary of State determines is a foreign country of concern.

(c) Establishment of Center.—The Secretary of State, in consultation with the Director of the National Intelligence, the Director of the National Security Agency, and the heads of other relevant Federal agencies, shall establish the United States-Israel Artificial Intelligence Center (referred to in this section as the “Center”) in the United States.

(d) Purpose.—The purpose of the Center shall be to develop more robust research and development projects on artificial intelligence in the areas of—

(1) machine learning;

(2) computer vision;

(3) natural language processing;

(4) object detection;

(5) speech recognition;

(6) interpretability.

(e) Artificial Intelligence Principles.—In carrying out the purposes described in subsection (d), the Center shall adhere to the principles for the use of artificial intelligence in federal government set forth in section 3 of Executive Order 13900 (85 Fed. Reg. 7538).

(f) International Partnerships.—

(1) In general.—The Secretary of State and the heads of other relevant Federal agencies, subject to the availability of appropriations, may enter into agreements supporting and enhancing dialogue and planning involving international partnerships between the Department of State or such agencies and the Government of Israel and its ministries, offices, and institutions.

(2) Federal Share.—Not more than 50 percent of the costs of implementing the agreements entered into pursuant to paragraph (1) may be paid by the United States Government.

(g) Limitations.—The Center is prohibited from receiving any investment from or contracting with—

(1) any individual or entity with ties to any entity affiliated (officially or unofficially) with the Chinese Communist Party, the People’s Liberation Army, or the government of a foreign country of concern;

(2) any entity owned, controlled by, or affiliated with the Chinese Communist Party or the People’s Republic of China, or in which the government of a foreign country of concern has an ownership interest; or

(3) any entity on the Entity List that is maintained by the Bureau of Industry and Security of the Department of Commerce that the Secretary determines is in violation of the provisions of subsection (a)(7) of section 3204 of title 10, United States Code, with respect to—

(A) a covered agreement; or

(B) a contract, or modification of a contract, awarding the authority under that subsection to an of- ficer or employee who—

(i) in the case of an officer or employee who is a member of the Armed Forces, is serving in a grade of brigadier general or rear admiral (lower half); or

(ii) in the case of a civilian officer or employee, is serving in a position with a grade under the General Schedule (or any other schedule of personnel grades) that is comparable to or higher than the grade of brigadier general or rear admiral (lower half); and

(II) not later than 7 days before using the applicable procedures under section 3204 of title 10, United States Code, the Secretary, or a designee of the Secretary, shall submit to the congressional defense committees a written notification of the use of such procedures.

(h) Counterintelligence Screening.—Not later than 180 days after the date of the enactment of this Act, and not later than each December 31 thereafter, Director of National Intelligence, in collaboration with the Director of the National Counterintelligence and Security Center and the Director of the Federal Bureau of Investigation, shall—

(1) assess—

(A) whether the Center or its participant institutions pose a counterintelligence threat to the United States;

(B) what specific measures the Center has implemented to ensure that intellectual property developed with the assistance of the Center has sufficient protections in place to preclude misappropriation of United States intellectual property, research and development, and innovation efforts; and

(C) other threats from a foreign country of concern and course of action;

(2) submit a report to Congress containing the results of the assessment described in paragraph (1).

(1) Authorization of Appropriations.—There is authorized to be appropriated for the Center $100,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

Subtitle C—Matters Relating to Europe and the Russian Federation

SEC. 6211. BRIEFING ON SUPPORTING GOVERNMENT OF UKRAINE TO MITIGATE, TREAT, AND REHABILITATE TRAUMATIC EXTREMITY INJURIES AND TRAUMATIC BRAIN INJURIES OF UKRAINIAN SOLDIERS.

(a) Sense of the Senate.—It is the sense of the Senate that—

(1) the treatment and rehabilitation of severely injured soldiers is of paramount importance to the United States and Ukraine as Ukraine continues to valiantly repulse an unprovoked invasion of its sovereignty by Russia;

(2) the Senate applauds efforts by the Secretary of Defense to provide treatment in medical facilities of the United States Armed Forces through the Secretarial Designee Program; and

(3) the Senate encourages the Secretary to continue working with defense officials of Ukraine, including the other government and private sources, to fund transportation, lodging, meals, caretakers, and any other nonmedical expenses necessary in connection with treatment for severely wounded Ukrainian soldiers.

(b) Briefing.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall assess, and provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, an appropriate role for the Extremity Trauma and Amputation Center of Excellence or the National Intrepid Center of Excellence of the Department of Defense in helping the Government of Ukraine to mitigate, treat, and rehabilitate traumatic extremity injuries and traumatic brain injuries sustained in Ukraine.

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

(A) An assessment of the extent to which the Extremity Trauma and Amputation Center of Excellence and the National Intrepid Center of Excellence of the Department of Defense can facilitate relevant scientific research and other government and private sources, to fund avoiding amputations, and preserving and restoring the function of injured extremities for the purpose of addressing the current medical needs of Ukraine.

(B) An identification of specific activities such Centers could feasibly undertake to improve and enhance the efforts of the Government of Ukraine in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and traumatic brain injuries.

(C) A determination whether there are other government agencies, institutions of higher education, or public or private entities, including international entities, with which such Centers could serve as a partner for the purpose of supporting the Government of Ukraine in such efforts.

SEC. 6232. PROHIBITION AGAINST UNITED STATES RECOGNITION OF THE RUSSIAN FEDERATION'S CLAIM OF SOVEREIGNTY OVER ANY PORTION OF UKRAINE.

(a) Statement of Policy.—It is the policy of the United States not to recognize the Russian Federation’s claim of sovereignty over any portion of the internationally-recognized territory of Ukraine, including its airspace and its territorial waters.

(b) Prohibition.—In accordance with subsection (a), no Federal department or agency shall take any action, in support of the Russian Federation’s claim of sovereignty over any portion of the internationally-recognized territory of Ukraine, including its airspace and its territorial waters.

SEC. 6233. TEMPORARY AUTHORIZATIONS RELATED TO UKRAINE AND OTHER MATTERS.

(a) Temporary Authorizations for Covered Agreements Related to Ukraine.—

(1) Covered Agreement Defined.—In this subsection, the term “covered agreement” includes a contract, subcontract, transaction, or modification of a contract, transaction, or transaction awarded by the Department of Defense—

(A) to build the stocks of critical munitions of the Department;

(B) to provide materiel and related services to foreign allies and partners that have provided support to the Government of Ukraine; and

(C) to provide materiel and related services to the Government of Ukraine.

(2) Public Interest.—

(A) IN GENERAL.—A covered agreement may be presumed to be in the public interest for purposes of meeting the requirements of subsection (a)(7) of section 3204 of title 10, United States Code.

(B) Procedures.—Notwithstanding the provisions of subsection (a)(7) of section 3204 of title 10, United States Code, with respect to a covered agreement—

(I) the Secretary of Defense may delegate the authority under that subsection to an officer or employee who—

(ii) in the case of a civilian officer or employee, is serving in a position with a grade under the General Schedule (or any other schedule of personnel grades) that is comparable to or higher than the grade of brigadier general or rear admiral (lower half); and

(ii) not later than 7 days before using the applicable procedures under section 3204 of title 10, United States Code, the Secretary, or a designee of the Secretary, shall submit to the congressional defense committees a written notification of the use of such procedures.

(C) Documentation.—Consistent with paragraph (4)(C) of subsection 3204 of title 10, United States Code, the documentation otherwise required by paragraph (1) of such subsection is not required in the case of a covered agreement permitted by subsection (a)(7) of such section.

(3) Procurement Authorities.—The special emergency procurement authorities provided under subsections (b) and (c) of section 1903 of title 41, United States Code, may be used by the Department of Defense for a covered agreement.

(4) Contract Financing.—The Secretary may waive the provisions of subsections (a) and (c) of section 3372 of title 10, United States Code, for a covered agreement.

(5) Emergency Data.—The Secretary may take data and information from the American people, foreign government officials, or international organizations to carry out this section.

(6) Authorization.—The Secretary may exercise the authorities granted by this section through an Executive Order or through a waiver issued by the Secretary.

(7) Definitions.—In this subsection—

(1) Covered Agreement.—The term “covered agreement” means an agreement entered into or modified on or after the date of the enactment of this Act that—

(A) is entered into or modified on or after the date of the enactment of this Act;

(B) may be paid by the United States Government under a covered agreement entered into on or after the date of the enactment of this Act; and

(C) to which the United States is a party as a result of a covered agreement entered into on or after the date of the enactment of this Act.

(2) Foreign Country of Concern.—The term “foreign country of concern” means the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, and any other country that the Secretary of State determines is a foreign country of concern.

(3) Foreign Person.—The term “foreign person” means a person who is not a United States person.

(4) United States Person.—The term “United States person” means an individual or entity that is—

(A) a national of the United States;

(B) the Government of the United States; or

(C) an individual or entity that is a United States person by reason of a specified relation to the United States.

(5) Military Person.—The term “military person” means an individual or entity that is—

(A) a member of the Armed Forces of the United States;

(B) a member of the reserve components of the Armed Forces of the United States; or

(C) an individual or entity that is a military person by reason of a specified relation to the United States.

(8) Authorization of Appropriations.—There is authorized to be appropriated for the purpose of this section $10,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.
not apply to the transfer of technical data to an international partner for the production of large-caliber cannons produced for—

(A) the replacement of defense articles from the inventory of the Department of Defense provided to the Government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States; or

(B) contracts awarded by the Department of Defense to provide material directly to the Government of Ukraine.

(5) EXEMPTION FROM CERTIFIED COST AND PRICING DATA REQUIREMENTS.—

(A) IN GENERAL.—The requirements under section 7026 of title 10, United States Code, shall not apply to any covered agreement awarded on a Fixed Price Incentive Firm Target basis, where target price equals ceiling price, and the Government Underrun Share ratio is 100 percent with a cap for profit of 15 percent of target cost.

(B) USE OF EXEMPTION.—The following shall apply to an exemption under subparagraph (A):

(i) Awarded profit dollars shall be fixed, but the contractor may ultimately realize a profit rate of higher than 15 percent in relation to the target cost.

(ii) The prices negotiated by the Federal Government shall not exceed the most recent negotiated prices for the same items while allowing for appropriate adjustments, including those for quantity differences or relevant, applicable economic indices.

(C) APPLICATION.—An exemption under subparagraph (A) shall apply to subcontracts under prime contracts that are exempt under this paragraph.

(6) TERMINATION OF TEMPORARY AUTHORIZATIONS.—

The provisions of this subsection shall terminate on September 30, 2024.

(b) MODIFICATION OF COOPERATIVE LOGISTIC SUPPORT AGREEMENTS: NATO COUNTRIES.—

Section 2536(b) of title 10, United States Code, is amended—

(A) in the section heading, by striking ‘‘logistic support’’ and inserting ‘‘acquisition and logistics support’’;

(B) in subsection (A)—

(i) in paragraph (1)—

(A) by striking ‘‘acquisition and logistics support’’ and inserting ‘‘acquisition and logistics support’’; and

(B) in paragraph (2)(B), by striking ‘‘logistics support and inserting ‘‘armaments and logistics support’’; and

(ii) in subparagraph (B), by striking ‘‘logistics support’’ and inserting ‘‘armaments and logistics support’’; and

(C) in paragraph (3)—

(B) in the matter preceding paragraph (1), by striking ‘‘Partnership Agreement or Arrangement’’;

(B) in paragraph (1)—

(i) by striking ‘‘supply and acquisition of logistics support and inserting ‘‘supply, services, support, and acquisition, including armaments for requirements’’; and

(ii) by striking ‘‘supply and acquisition are appropriate’’ and inserting ‘‘supply, services, support, and acquisition are appropriate’’;

and

(C) in paragraph (2), by striking ‘‘logistics support’’ each place it appears and inserting ‘‘acquisition and logistics support’’;

(c) CONTRACT AUTHORITY.—

(A) IN GENERAL.—In fiscal years 2023 and 2024, the Secretary of Defense may enter into one or more contracts for the procurement of up to—

(1) 700,000 XM1128 and XM1123 (155mm rounds);

(B) 30,000 AGM–114 Hellfire;

(C) 36,000 AGM–179 Joint Air-to-Ground Missiles (JAGM);

(D) 700 M142 High Mobility Artillery Rocket Systems (HIMARS);

(E) 6,000 Ground-Launched Army Tactical Missile Systems (ATACMS);

(F) 1,000 Harpoons;

(G) 5,000 AGM–18A Raytheon Missiles & Defense; and

(H) 100,000 Raytheon Multiple Launch Rocket Systems (MLRS);

(I) 10,000 PATRIOT Advanced Capability – 3 (PAC-3) Missile Segment Enhancement (MSE);

(J) 20,000 FIM–92 Stinger;

(K) 25,000 FGM–148 Javelin;

(L) 20,000 Extended Range Air-to-Air Missile (AMRAAM); and

(M) 1,000 M777 Howitzer.

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING OPERATIONS.—The authority provided to be procured under paragraph (1) may be procured as additions to existing contracts covering such programs.

(3) CERTIFICATION REQUIRED.—A contract may not be entered into under paragraph (1) unless the Secretary certifies to the congressional defense committees in writing, not later than 7 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for each such program:

(A) The use of such a contract is consistent with the projected force structure requirements for such program.

(B) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings under the preceding sentence, the Secretary shall include a written explanation of—

(i) the estimated end cost and appropriated funds by fiscal year in which such a contract is to be awarded, sufficient funds are in the system, without the authority provided in paragraph (1);

(ii) the estimated end cost and appropriated funds by fiscal year, by system, with the authority provided in paragraph (1);

(iii) the estimated cost savings or increase by fiscal year, by system, with the authority provided in paragraph (1);

(iv) the discrete actions that will accomplish such cost savings or avoidance; and

(v) the contractual actions that will ensure the estimated cost savings are realized.

(C) There is a reasonable expectation that the estimated savings are achievable.

(D) There is a stable design for the property to be acquired and the technical rights associated with such property are not excessive.

(E) The estimates of both the cost of the contract and the anticipated cost avoidance through use of a contract authorized under paragraph (1) are realistic.

(F) The use of such a contract will promote the national security of the United States.

(G) The Department of Defense (DoD) intends to provide ansignup estimate for such contract to be awarded.

(H) Such a contract shall not be entered into under paragraph (1) unless the milestone decision authority for such program approves the contract, each of the following, which shall be prepared by the milestone decision authority for such program:

(i) the projected cost savings compared to the total anticipated costs of carrying out the program through annual contracts.

(ii) the projected cost savings at the completion of the fiscal year in which such a contract is to be entered into, sufficient funds are in the system, without the authority provided in paragraph (1); and

(iii) the estimated cost savings or increase by fiscal year, by system, with the authority provided in paragraph (1).

(3) INELIGIBILITY FOR VISAS, ADMISSION, OR TRANSFER OF GOLD TO OR FROM RUSSIA.

(a) IDENTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and periodically as necessary thereafter, the President—

(1) shall submit to Congress a report identifying foreign persons that knowingly participated in a significant transaction—

(A) for the sale, supply, or transfer (including transportation) of gold, directly or indirectly, to or from the Russian Federation or the Government of the Russian Federation, including from reserves of the Central Bank of the Russian Federation held outside the Russian Federation; or

(B) that otherwise involved gold in which the Government of the Russian Federation had any interest; and

(2) shall impose the sanctions described in subsection (b) with respect to such person; and

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (31 U.S.C. 581 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person that is an alien.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VI SAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States; and

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a)(1) is subject to revocation of any
visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(i) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(1) take effect immediately; and

(2) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise any authority provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1706) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under this section with respect to a person if the President—

(1) determines that such a waiver is in the national interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirement to impose sanctions under this section, and any sanctions imposed under this section, shall terminate on the earlier of—

(A) the date that is 3 years after the date of the enactment of this Act; or

(B) the date that is 3 years after the date on which the President certifies to Congress that—

(i) the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine; and

(ii) such termination in the national interests of the United States.

(2) TRANSITION RULES.—

(A) CONTINUATION OF CERTAIN AUTHORITIES.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person under this section may continue to be exercised after that date if the President determines that the continuation of those authorities is in the national interests of the United States.

(B) APPLICATION TO ONGOING INVESTIGATIONS.—The termination date under paragraph (1) shall not apply to any investigation of a civil or criminal violation of this section or any regulatory or criminal proceeding, or order issued to carry out this section, or the imposition of a civil or criminal penalty for such a violation, if—

(i) the violation occurred before the termination date; or

(ii) the person involved in the violation continues to be subject to sanctions pursuant to subparagraph (A).

(f) EXCEPTIONS.—

(1) EXCEPTIONS FOR AUTHORIZED INTELLIGENCE AND LAW ENFORCEMENT AND NATIONAL SECURITY ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3001 et seq.) or any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under subsection (b)(2) may not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success, New York, and entered into force November 21, 1947, between the United Nations and the United States, or the Convention on Consular Relations, done at Vienna, 1963, and entered into force March 19, 1967, or other international obligations.

(3) HUMANITARIAN EXEMPTION.—The President shall not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirement or authority to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ‘‘good’’ means any article, natural or manufactured substance, material, supply, or commodity, including test equipment, and excluding technical data.

(g) DEFINITIONS.—In this section:

(1) The terms ‘‘admission’’, ‘‘admitted’’, ‘‘alien’’, and ‘‘lawfully admitted for permanent residence’’ have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) The term ‘‘foreign person’’ means an individual or entity that is not a United States person.

(3) The term ‘‘knowingly’’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) The term ‘‘United States person’’ means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States; or

(C) any person in the United States.

Subtitle D—Matters Relating to the Indo-Pacific Region

SEC. 6241. REVIEW OF PORT AND PORT-RELATED INFRASTRUCTURE PURCHASES AND INVESTMENTS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND ENTITIES DIRECTED OR BAKED BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The Secretary of State, in coordination with the Director of National Intelligence, the Secretary of Defense, and the head of any other agency the Secretary of State considers necessary, shall conduct a review of port and port-related infrastructure purchases and investments critical to the interests and national security of the United States made by—

(1) the Government of the People's Republic of China;

(2) entities directed or backed by the Government of the People's Republic of China; and

(3) entities with beneficial owners that include the Government of the People's Republic of China, or a private company controlled by the Government of the People's Republic of China.

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

(1) A list of port and port-related infrastructure purchases and investments described in that subsection, prioritized in order of the purchases or investments that pose the greatest threat to United States economic, defense, and foreign policy interests.

(2) An analysis of the effects the consolidation of such investments, or the assertion of control by the Government of the People's Republic of China, or any authorized intelligence, law enforcement, or national security activity, on the national interest of the United States; and

(c) COORDINATION WITH OTHER FEDERAL AGENCIES.—In conducting the review required by subsection (a), the Secretary of State may coordinate with the head of any other Federal agency, as the Secretary of State considers appropriate.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report on the results of the review under subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(e) 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 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) PORT.—The term ‘‘port’’ means—

(A) any port—

(i) on the navigable waters of the United States; or

(ii) that is considered by the Secretary of State to be critical to United States interests;

(B) any harbor, marine terminal, or other shore-side facility used principally for the movement of goods on inland waters that the Secretary of State considers critical to United States interests.

(C) any other infrastructure the Secretary of State considers appropriate.

SEC. 6242. SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States must increase its diplomatic activity and presence in the Pacific, particularly among Pacific Island nations; and

(2) the Special Envoy to the Pacific Islands Forum—

(A) should be used to coordinate policies across the Pacific region with like-minded democracies; and
(B) should have a direct line to the President and the Secretary of State to communicate regarding the unique and particular needs of Pacific partner nations.

(b) Amendments.—Section 2 of the Pacific Islands Forum.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (b) (as added by section 361(a)(1) of division FF of Public Law 116–260) as subsection (k); and

(2) by adding at the end the following:—

"(l) Special Envoy to the Pacific Islands Forum.—"

"(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, the United States Ambassador to a country that is a member of the Pacific Islands Forum or another qualified individual to serve as Special Envoy to the Pacific Islands Forum (referred to in this section as the ‘Special Envoy’). If an Ambassador is appointed to serve as the Special Envoy pursuant this paragraph, he or she may not begin such service until after Senate confirmation to such position and shall serve concurrently as an Ambassador and as the Special Envoy without receiving additional compensation.

"(2) DUTIES.—The Special Envoy shall—

(A) represent the United States in its role as dialogue partner to the Pacific Islands Forum; and

(B) carry out such other duties as the President or the Secretary of State may prescribe.

Subtitle F—Other Matters

SEC. 6271. ELIGIBILITY OF PORTUGUESE TRADESMEN AND INVESTORS FOR E-1 AND E-2 NON IMMIGRANT VISAS

(a) Short Titles.—This Act may be cited as the ‘‘Advancing Mutual Interests and Growing Our Success Act’’ or the ‘‘AMIGOS Act’’.

(b) Nonimmigrant Traders and Investors.—For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Portugal shall be considered to be a foreign state described in such section if the Government of Portugal provides similar nonimmigrant status to nationals of the United States.

(c) Modification of Eligibility Criteria for E-1 and E-2 Nonimmigrant Visas.—For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Portugal shall be considered to be a foreign state described in such section if the Government of Portugal provides similar nonimmigrant status to nationals of the United States.

(d) Definitions.—Section 4 of the Global Food Security Act of 2016 (22 U.S.C. 9303) is amended—

(1) in paragraph (2), by striking ‘‘country-owned agriculture, nutrition, and food security policy and investment plans’’ and inserting ‘‘partner country-led agriculture, nutrition, regulatory, food security, and water resources management policy and investment plans and governance systems’’;

(2) by amending paragraph (5) to read as follows:

"(5) support the locally-led and inclusive development of agriculture and food systems, including by enhancing the extent to which small-scale food producers, especially women, have access to and control over the inputs, skills, resource management capacity, networking, bargaining power, financing, market linkages, technology, and information needed to sustainably increase productivity and incomes, reduce poverty and malnutrition, and promote long-term economic prosperity;"

(3) in paragraph (6)—

(A) by inserting ‘‘, adolescent girls,’’ after ‘‘women’’; and

(B) by inserting ‘‘and preventing incidence of wasting’’ after ‘‘reducing child stunting’’;

(4) in paragraph (7), by inserting ‘‘poor water resource management and’’ after ‘‘child mortality’’;

(5) in paragraph (8)—

(A) by striking ‘‘long-term success of programs’’ and inserting ‘‘long-term impact’’; and

(B) by inserting ‘‘, including agricultural research capacity,’’ after ‘‘institutions’’;
(6) in paragraph (9), by striking “integrate resilience and nutrition strategies into food security programs, such that chronically vulnerable populations are better able to and increasingly coordinate with and complement relevant strategies to ensure that chronically vulnerable populations are better able to adapt,”;
(b) in redesigning paragraph (17) as paragraph (22);
(8) by redesigning paragraphs (12) through (16) as paragraphs (14) through (18), respectively;
(9) by striking paragraphs (10) and (11) and inserting the following:
“(10) develop and implement community and producer resilience and adaptation strategies to disasters, emergencies, and other shocks and stresses to food and nutrition security, including conflicts, droughts, flooding, pests, and diseases, that adversely impact agricultural yield and livelihoods;
“(11) harness science, technology, and innovation, including the research and extension activities supported by the private sector, relevant Federal departments and agencies, Feed the Future Innovation Labs or any successor international and local researchers and innovators, recognizing that significant investments in research and technological advances will be necessary to reduce global poverty, hunger, and malnutrition;
“(12) use evidenced-based best practices, including scientific and forecasting data, and improve the coordination, coordination, with, and among key partners and relevant Federal departments and agencies to identify, analyze, measure, and mitigate risks, and strengthen food and nutrition security capacities;”;
“(13) ensure scientific and forecasting data is accessible and usable by affected communities and facilitate communication and collaboration among stakeholders and port of adaptation planning and implementation, including scenario planning and preparedness using seasonal forecasting and scientific and local knowledge;”;
(10) in paragraph (15), as redesignated, by inserting “nongovernmental organizations, including” after “civil society;”;
(11) in paragraph (18), as redesignated, by inserting “and coordination, as appropriate,” after “collaboration;”
(12) in paragraph (18), as redesignated, by striking “section 6(b)(3);” and inserting “section 8(a)(4);” and
(13) by inserting after paragraph (18), as redesignated, the following:
“(14) improve the efficiency and resilience of agricultural production, including management of crops, rangelands, pastures, livestock, fisheries, and aquacultures;
“(15) ensure investments in food and nutrition security consider and integrate best practices in the management and governance of natural resources and conservation, especially to preserve populations living in or near biodiversity ecosystems;
“(16) be periodically updated in a manner that reflects learning and best practices; and”;
(f) PERIODIC UPDATES.—Section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9304), as amended by subsection (e), is further amended by adding at the end the following:
“(d) PERIODIC UPDATES.—Not less frequently than biennially through fiscal year 2030, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate committees of Congress required under subsection (a) and the agency-specific plans for implementation to the appropriate committees updated to the Global Food Security Strategy required under subsection (a) and the agency-specific plans for implementation to the appropriate committees required under subsection (a) and the agency-specific plans for implementation to the appropriate committees of Congress.
(g) AUTHORIZATION OF APPROPRIATIONS TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.—Section 6(b) of such Act (22 U.S.C. 9305(b)) is amended—
(1) by striking “$1,000,600,000 for each of fiscal years 2017 through 2023 and inserting “$1,200,000,000 for each of the fiscal years 2024 through 2028;” and
(2) by adding at the end the following:
“Amounts authorized to appropriated under this subsection must be used—
“(A) to carry out the programs and activities in target countries;”;
“(b) EMERGENCY FOOD SECURITY PROGRAM.—(1) IN GENERAL.—Section 7 of the Global Food Security Act of 2016 (22 U.S.C. 9306) is amended by striking “(a) SENSE OF CONGRESS.—” and inserting “(a) SENSE OF CONGRESS.—It shall be and inserting “It shall be”.
“(2) AUTHORIZATION OF APPROPRIATIONS.—Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(b)) is amended by striking “$2,794,184,000 for each of fiscal years 2017 through 2023, of which up to $1,257,382,000” and inserting “$3,885,460,000 for each of the fiscal years 2024 through 2028, of which up to $1,757,457,000,”;
(1) REPORTS.—Section 8(a) of the Global Food Security Act of 2016 (22 U.S.C. 9307) is amended—
(1) in the matter preceding paragraph (1), by striking “During each of the first 5 years after the submission of the strategy required under section 5(c),” and inserting “For each of the fiscal years 2024 through 2028;”
(2) by inserting “and” before “describe”;
(3) by inserting “identify and” after “describe;
(4) by redesigning paragraphs (12) through (16) as paragraphs (15) through (19), respectively;
(5) by redesigning paragraphs (5) through (11) as paragraphs (7) through (13), respectively;
(6) by striking paragraph (4) and inserting the following:
“(4) identify and describe the priority quantitative metrics used to establish baseline performance targets at the initiative, country, and zone of influence levels;”;
“(5) identify such established baselines and performance targets at the country and zone of influence level;
“(6) identify the output and outcome benchmarks and indicators used to measure results annually, and report the measured results for each of the priority metrics identified pursuant to paragraph (4), disaggregated by age, gender, and disability, to the extent practicable and appropriate, and transparency, a manner that is accessible to the people of the United States;”;
“(7) in paragraph (7), as redesignated, by striking “agriculture and” inserting “food;”
(8) in paragraph (8), as redesignated—
“(A) by inserting “quantitative and qualitative” after “how;” and
(B) by inserting “at the initiative, country, and zone of influence levels, including longitudinal data and key uncertainties” before the semicolon at the end;
(9) in paragraph (9), as redesignated, by inserting “within target countries, amounts and justification for any spending outside of target countries” after “amounts spent;”;
(10) in paragraph (10), as redesignated, by striking “and the impact of private sector investment” and inserting “and efforts to encourage financial donor burden sharing and the impact of such investment and efforts;”;
(11) by inserting after paragraph (13), as redesignated, the following—
“(14) describe how agriculture research is prioritized within the Global Food Security Strategy to support agriculture-led growth and resilience and nutrition strategies, and the required efforts to coordinate research programs within the Global Food Security Strategy with key stakeholders;”;
(12) in paragraph (16), as redesignated, by striking “and” at the end;
(13) in paragraph (17), as redesignated—
“(A) by inserting “, including key challenges or mistakes,” after “lessons learned;” and
(B) by striking the period at the end and inserting “and”;
(14) by adding at the end the following:
“(f) for each of the fiscal years 2024 through 2028 to determine whether a country should remain a target country based on quantitative and qualitative analysis.”;
SEC. 5273. ENDING GLOBAL WILDLIFE POACHING AND TRAFFICKING.
(a) SHORT TITLE.—This section may be cited as the “Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements Act of 2022.”
(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the United States Government should continue to work with international partners, including nations, nongovernmental organizations, and the private sector, to identify long-standing and emerging areas of concern in wildlife poaching and trafficking related to global supply and demand; and
(2) wildlife trafficking activities required reporting of the Presidential Task Force on Wildlife Trafficking, established by Executive Order 13668 (78 Fed. Reg. 49621), and modified by sections 201 and 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621 and 7631) should be reauthorized to minimize the disruption of the work of such Task Force.
(c) DEFINITIONS.—Section 2 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601) is amended—
(1) in paragraph (3), by inserting “involving local communities” after “approach to conservation;”
(2) by amending paragraph (4) to read as follows:
“(4) COUNTRY OF CONCERN.—The term ‘country of concern’ means a foreign country specially designated by the Secretary of State pursuant to section 201(b) as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which—
“(A) the government has actively engaged in, or knowingly profited from, the trafficking of protected species; or
“(B) the government facilitates such trafficking through conduct that may include a pattern or failure to sustain efforts to prevent and prosecute such trafficking.”;
(3) by inserting “section 201” after “section 801;”;
(d) FRAMEWORK FOR INTERAGENCY RESPONSE AND REPORTING.—
(1) AUTHORIZATION OF REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES.—Section 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621) is amended—
(A) in subsection (a), by striking ‘‘annually thereafter’’ and inserting ‘‘biennially thereafter by June 1 of each year in which a report is required’’; and
(B) in subsection (c) and inserting the following:

‘‘(c) DESIGNATION.—A country may be designated as a country of concern under subsection (b) regardless of such country’s status as a focus country.’’.

(3) PROCEDURE FOR REMOVING COUNTRIES FROM LIST.—In the first report required under this section submitted after the date of the enactment of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Re- authorization and Improvements Act of 2022, the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall publish, in the Federal Register, a procedure for removing from the list in the biennial report any country of concern that no longer meets the definition of country of concern under section 2(4).

(e) SUNSET.—This section shall cease to have force or effect on September 30, 2028.

(2) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING RESPONSIBILITIES.—Section 301(a) of the Elminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631), as amended—
(A) in paragraph (4), by striking ‘‘and’’ at the end;
(B) by redesignating paragraph (5) as paragraph (9); and
(C) by inserting after paragraph (4) the following:

‘‘(5) pursue programs and develop a strategy—

‘‘(A) to expand the role of technology for anti-poaching and anti-trafficking efforts, in partnership with the private sector, foreign governments, academia, and non-governmental organizations (including technology companies and the transportation and logistics sector); and

‘‘(B) to enable local governments to develop and use such technologies;

‘‘(6) consider programs and initiatives that address the expansion of the illegal wildlife trade to digital platforms, including the use of digital currency and payment platforms for transactions by collaborating with the private sector and non-governmental organizations, including social media, e-commerce, and search engine companies, as appropriate;

‘‘(7) develop interventions to address the drivers of poaching, trafficking, and demand for illegal wildlife and wildlife products in focus countries and countries of concern;

‘‘(8) set benchmarks for measuring the effectiveness of such interventions; and

‘‘(C) consider alignment and coordination with indicators developed by the Task Force; and

‘‘(9) consider additional opportunities to increase coordination between law enforcement and financial institutions to identify trafficking transactions, including—

‘‘(A) the heavy economic toll of the COVID–19 pandemic;

‘‘(B) vulnerabilities with respect to the growing role of China in the financing and refinancing of Ecuador’s debts, and in strategic infrastructure projects and sectors of the Ecuadorian economy; and

‘‘(C) the need to develop and strengthen open and transparent economic policies that strengthen Ecuador’s integration with the World Bank and International Monetary Fund.

(3) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING STRATEGIC REVIEW.—Section 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631), as amended by paragraph (2), is further amended—

(A) in subsection (d)—

(i) in the second preceding paragraph (1), by striking ‘‘annually’’ and inserting ‘‘biennially’’;

(ii) in paragraph (4), by striking ‘‘and’’ at the end and inserting ‘‘; and’’; and

(iii) in paragraph (5), by striking the period at the end and inserting ‘‘; and’’; and

(iv) by adding at the end the following:

‘‘(6) The indicators developed by the Task Force, and recommended by the Government Accountability Office, to track and measure inputs, outputs, law enforcement outcomes, and the market for wildlife products for each focus country listed in the report, including baseline measures, as appropriate, developed in each focus country to determine the effectiveness and appropriateness of such indicators to assess progress and whether additional or separate indicators to those indicators, may be necessary for focus countries.’’;

and

(B) in subsection (e), by striking ‘‘5 years after’’ and all that follows and inserting ‘‘on September 30, 2028.’’

SEC. 6274. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

‘‘SEC. 182a. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

‘‘(a) ESTABLISHMENT.—The Secretary of Defense may operate a Center for Excellence in Environmental Security (in this section referred to as the ‘Center’).

‘‘(b) MISSIONS.—(1) The Center shall be used to provide and facilitate education, training, and research in civil-military operations, particularly operations that require international assistance and operations that require coordination between the Department of Defense and other agencies.

‘‘(2) The Center shall be used to provide and facilitate education, training, interagency coordination, and research on the following additional matters:

‘‘(A) Management of the consequences of environmental insecurity with respect to—

‘‘(i) access to water, food, and energy;

‘‘(ii) related health matters; and

‘‘(iii) matters relating to when, how, and why environmental insecurity threatens national security, including humanity, health, water, energy, and food will cascade to economic, social, political, or national security events.

‘‘(B) Appropriate roles for the reserve components in response to environmental insecurity resulting from natural disasters.

‘‘(C) Meeting requirements for information in connection with regional and global disasters, including the use of advanced communications technology as a virtual library.

‘‘(3) The Center shall be granted access to the diplomatic, political, and physical capability of all Federal agencies to enable the development of global environmental indicators.

‘‘(4) The Center shall perform other missions as the Secretary of Defense may specify.

‘‘(b) JOINT OPERATION WITH EDUCATIONAL INSTITUTIONS.—The Secretary of Defense may enter into an agreement with appropriate official of any institution of higher education to provide for operation of the Center. The Secretary shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

‘‘(d) ACCEPTANCE OF DONATIONS.—

‘‘(1) Except as provided in paragraph (2), the Secretary of Defense may accept, on behalf of the Center, any gift or contribution to be used to defray the costs of the Center or to enhance the operation of the Center. Such donations may be accepted from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), any other charitable organization (including any that is organized or operates under the laws of a foreign country), any private source in the United States or a foreign country.

‘‘(2) The Secretary may not accept a donation based on the Secretary’s belief that the acceptance of the donation would compromise or appear to compromise—

‘‘(A) the ability of the Department of Defense, any employee of the Department, or members of the armed forces, to carry out any responsibility or duty of the Department in connection with and objective of the department, or

‘‘(B) the integrity of any program of the Department of Defense or any person involved in such a program.

‘‘(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign donation would have a re-
Ecuador, including its development of the ECU-911 video surveillance and facial recognition system, financing of the corruptly managed and environmentally deleterious Coca pipeline, and support for illegal, unreported, and unregulated fishing practices around the Galapagos Islands, pose risks to democratic governance and biodiversity in Ecuador by—

(1) On March 24, 2021, the Senate unanimously approved Senate Resolution 22 (117th Congress), reaffirming the Partnership between the United States and Ecuador, and recognizing the restoration and advancement of economic relations, security, and development opportunities in both nations.

(2) The Secretary of State, in coordination with the Secretary of the Treasury, and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy to strengthen commercial and economic ties between the United States and Ecuador by—

(1) providing technical assistance and support to specialized units within the Attorney General’s office to combat corruption and to promote and protect internationally recognized human rights in Ecuador, including the Transparency and Anti-Corruption Unit, the Anti-Money Laundering Unit, the Task Force to Combat Corruption in Central America, and the Environmental Crimes Unit;

(2) strengthening bilateral assistance and complementary support through multilateral and regional efforts to combat corruption mechanisms, as necessary and appropriate, to counter corruption and recover assets derived from corruption, including through strengthening independent inspectors general to track and record corruption;

(3) improving the technical capacity of prosecutors and financial institutions in Ecuador to combat corruption by—

(A) establishing competitive and transparent infrastructure project selection and procurement processes in Ecuador that promote transparency, open competition, financial accountability, and robust adherence to global standards and norms;

(B) developing programs to help the Government of Ecuador improve efficiency and transparency in its customs administration, including through support for the Government of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(C) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(D) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(E) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(F) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(G) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(H) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(I) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(J) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(K) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(L) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(M) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(N) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(O) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(P) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(Q) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(R) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(S) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(T) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(U) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(V) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(W) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(X) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(Y) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;

(Z) improving the technical capacity of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs security, efficiency, and competitiveness;
enhancing the institutional capacity and technical capabilities of defense and security institutions of Ecuador to conduct national or regional security missions, including through bilateral and multilateral cooperation, foreign military financing, international military education, and training programs, consistent with applicable Ecuadorian law;

(13) enhancing port management and maritime security partnerships to disrupt, degrade, and dismantle transnational criminal networks that exploit the legitimate flow of people, goods, and services; and

(14) strengthening cybersecurity cooperation—
(A) to effectively respond to cybersecurity threats, including state-sponsored threats;
(B) to share best practices to combat such threats;
(C) to help develop and implement information architectures that respect individual privacy rights and reduce the risk that data collected through such systems will be exploited by malign state and non-state actors;
(D) to strengthen resilience against cyberattacks, misinformation, and propaganda; and
(E) to strengthen the resilience of critical infrastructure.

SEC. 6297. STRENGTHENING DEMOCRATIC GOVERNANCE.

(a) STRENGTHENING DEMOCRATIC GOVERNANCE.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, should develop and implement initiatives to strengthen democratic governance in Ecuador by supporting—
(1) measures to improve the capacity of national and subnational government institutions to govern through transparent, inclusive, and participatory processes;
(2) efforts that measurably enhance the capacity of political actors and parties to strengthen democratic institutions and the rule of law;
(3) initiatives to strengthen democratic governance, including combating political, administrative, and judicial corruption and improving transparency of the administration of public budgets; and
(4) the efforts of civil society organizations and independent media—
(A) to conduct oversight of the Government of Ecuador and the National Assembly of Ecuador;
(B) to promote initiatives that strengthen democratic accountability, anti-corruption standards, and public and private sector transparency; and
(C) to foster political engagement between the Government of Ecuador, including the National Assembly of Ecuador, and all parts of Ecuadorian society, including women, indigenous communities, and Afro-Ecuadorian communities.

(b) LEGISLATIVE STRENGTHENING.—The Administrator of the United States Agency for International Development, working through the Department of State, the National Endowment for Democracy, and the United States Agency for International Development, shall—
(1) ensure protections for the Galápagos Marine Reserve;
(2) deter illegal, unreported, and unregulated fishing; and
(3) increase interdiction of narcotics trafficking and other forms of illicit trafficking.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subtitle, the term ‘‘appropriate congressional committees’’ means the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 6298. SHIELD FOR THE ENVIRONMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake efforts to cooperate with the Government of Ecuador to—
(1) ensure protections for the Galápagos Marine Reserve;
(2) deter illegal, unreported, and unregulated fishing; and
(3) increase interdiction of narcotics trafficking and other forms of illicit trafficking.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subtitle, the term ‘‘appropriate congressional committees’’ means the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 6299. NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to section 516(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321c) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321).
(B) the Committee on Appropriations of the Senate; and
(C) the Committee on Foreign Affairs of the House of Representatives; and
(D) the Committee on Appropriations of the House of Representatives.

(2) GLOBAL HEALTH SECURITY AGENDA; GHSA.—The terms “Global Health Security Agenda” and “GHSA” mean the multilateral initiative launched in 2014, and renewed in 2018, that brings together countries, regions, international organizations, nongovernmental organizations, and the private sector—
(A) to elevate global health security as a national-level priority;
(B) to share best practices; and
(C) to facilitate national capacity to comply with and adhere to—
(i) the International Health Regulations (2005);
(ii) the international standards and guidelines established by the World Organisation for Animal Health;
(iii) the United Nations Security Council Resolutions 1514 (2004); (iv) the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Chemical Weapons and on their Destruction, done at Washington, London, and Moscow, April 10, 1925 (commonly referred to as the “Biological Weapons Convention”);
(v) the Global Health Security Agenda 2024 Framework; and
(vi) other relevant frameworks that contribute to global health security.

(3) GLOBAL HEALTH SECURITY INDEX.—The term “Global Health Security Index” means the comprehensive assessment and benchmarking of health security and related capabilities across the countries that make up the Partnership to the International Health Regulations (2005).

(4) GLOBAL HEALTH SECURITY INITIATIVE.—The term “Global Health Security Initiative” means the informal network of countries and organizations that came together in 2001, to undertake concerted global action to strengthen public health preparedness and response to chemical, biological, radiological, and nuclear threats, including pandemic influenza.


(6) JOINT EXTERNAL EVALUATION.—The term “Joint External Evaluation” means the voluntary, collaborative, multi-sectoral process facilitated by the World Health Organization—
(A) to assess country capacity to prevent, detect, and respond to public health risks occurring naturally or due to deliberate or accidental events;
(B) to assess progress in achieving the targets under the International Health Regulations (2005) and
(C) to recommend priority actions.

(7) KEY STAKEHOLDERS.—The term “key stakeholders” means actors engaged in efforts to strengthen global health security and preparedness programs and objectives, including—
(A) national and local governments in partner countries;
(B) international, bilateral, and charitable donors;
(C) international, regional, and local organizations, including private, voluntary, nongovernmental, and civil society organizations, including faith-based and indigenous organizations;
(D) international, regional, and local financial institutions and organizations;
(E) representatives of historically marginalized groups, including women, youth, and indigenous peoples;
(F) the public, including medical device, technology, pharmaceutical, manufacturing, logistics, and other relevant companies; and
(G) public and private research and academic institutions.

(8) ONE HEALTH APPROACH.—The term “One Health approach” means the collaborative, multidisciplinary approach toward achieving optimal health outcomes in a manner that recognizes the interconnectedness between people, animals, plants, and their shared environment.

(9) PANDEMIC PREPAREDNESS.—The term “pandemic preparedness” refers to the actions taken to establish and sustain the capacity and capabilities necessary to rapidly identify, prevent, protect against, and respond to the emergence, reemergence, and spread of pathogens of pandemic potential.

(10) PARTNER COUNTRY.—The term “partner country” means a foreign country in which the relevant Federal departments and agencies are implementing United States foreign assistance programs and activities to enhance global health security and pandemic prevention and preparedness under this section.

(11) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term “relevant Federal departments and agencies” means any Federal department or agency implementing United States policies and programs relevant to the advancement of United States global health security and diplomacy overseas, which may include—
(A) the Department of State;
(B) the United States Agency for International Development;
(C) the Department of Health and Human Services;
(D) the Department of Defense;
(E) the Defense Threat Reduction Agency;
(F) the Millennium Challenge Corporation;
(G) the Development Finance Corporation;
(H) The Peace Corps; and
(I) any other department or agency that the President determines to be relevant for these purposes.

(12) RESILIENCE.—The term “resilience” means the ability of people, households, communities, systems, institutions, countries, and regions to reduce, mitigate, withstand, adapt to, and quickly recover from shocks and stresses in a manner that reduces chronic vulnerability to the emergence, reemergence, and spread of pathogens of pandemic potential and facilitates inclusive growth.

(13) RESPOND AND RESPONSE.—The terms “respond” and “response” mean the actions taken to counter an infectious disease.

(14) USAID.—The term “USAID” means the United States Agency for International Development.

SEC. 6293. ENHANCING THE UNITED STATES’ INTERNATIONAL RESPONSE TO THE COVID–19 PANDEMIC.

(a) STATEMENT OF POLICY REGARDING INTERNATIONAL RESPONSE TO END THE COVID–19 PANDEMIC.—It is the policy of the United States to lead and implement a comprehensive and coordinated international response to end the COVID–19 pandemic in a manner that recognizes the critical role that multilateral and regional organizations can and should play in pandemic prevention, preparedness, and response by—
(1) seeking adoption of a United Nations Security Council resolution that—
(A) declares pandemics, including the COVID–19 pandemic, to be threats to international peace and security; and
(B) urges member states to address such threats through aligning whole-of-government plans with international best practices, including practices established by the Global Health Security Agenda, to improve country leadership and coordinate efforts to address the COVID–19 pandemic and respond to infectious disease threats of pandemic potential;
(2) advancing efforts to reform the World Health Organization to serve as an effective, normative, and coordinating body that is capable of aligning member countries around a strategic operating plan to detect, contain, treat, and deter the further spread of COVID–19;
(3) providing timely, appropriate levels of financial support to United Nations agencies, multilateral facilities, and other partners responding to the COVID–19 pandemic;
(4) prioritizing United States foreign assistance for the COVID–19 response in the world’s most vulnerable countries and regions;
(5) encouraging other donor governments to similarly increase contributions to the United Nations agencies, multilateral facilities, other partners responding to the COVID–19 pandemic in the world’s poorest and most vulnerable countries;
(6) engaging with key stakeholders to accelerate progress toward meeting and exceeding, as practicable, global COVID–19 vaccination goals;
(7) engaging with key overseas stakeholders, including through multilateral facilities such as the COVID–19 Vaccines Global Access initiative (referred to in this section as “COVAX”) and the Access to COVID–19 Tools (ACT) Accelerator initiative;
(8) expanding bilateral efforts, including through the United States International Development Finance Corporation, to accelerate the development, manufacturing, local production, and efficient and equitable distribution of—
(A) vaccines and related raw materials to meet or exceed the vaccination goals referred to in paragraph (6); and
(B) global health commodities, including supplies to combat COVID–19 that immediately disrupt the transmission of SARS–CoV–2;
(9) supporting global COVID–19 vaccine distribution strategies that—
(A) strengthen underlying health systems for global health security and pandemic prevention, preparedness, and response; and
(B) enhance the capacity of vulnerable and marginalized communities, including women, to face undue barriers to vaccination;
(10) engaging with key stakeholders, including the World Bank Group, the United Nations, the International Monetary Fund, the United States International Development Finance Corporation, and relevant regional and bilateral financial institutions, to address the economic and financial implications of the COVID–19 pandemic, while taking into account their health needs of disproportionately affected, vulnerable, and marginalized populations;
(11) entering into discussions with vaccine manufacturing companies to support partnerships, with the goal of ensuring adequate global supply of vaccines, which may include necessary components and raw materials; and
(12) establishing clear timelines, benchmarks, and goals for COVID–19 response strategies and activities under this section; and
(13) generating commitments of resources in support of the vaccination goals referred to in paragraph (6).
(b) GLOBAL COVID–19 VACCINE DISTRIBUTION AND DELIVERY.—

(1) ACCELERATING GLOBAL VACCINE DISTRIBUTION STRATEGY.—The President shall develop a strategy to expand access to, and accelerate the global distribution of, COVID–19 vaccines to other countries. This strategy shall—

(A) identify the countries that—

(i) have the highest infection and death rates due to COVID–19;

(ii) have the lowest COVID–19 vaccination rates;

(iii) face the most difficult political, logistical, and financial challenges to obtaining COVID–19 vaccines;

(B) describe the basis and metrics used to identify the countries described in subparagraph (A);

(C) identify which countries and regions will be prioritized and targeted for COVID–19 vaccine delivery, and the rationale for such prioritization;

(D) describe efforts that the United States is making to increase COVID–19 vaccine manufacturing capacity, both domestically and internationally, as appropriate, through support for the establishment or refurbishment of regional manufacturing hubs in South America, Southern Africa, and South Asia, including through the provision of international development finance;

(E) estimate when, how many, and which types of vaccines will be provided by the United States Government bilaterally and through COVAX;

(F) describe efforts to encourage international partners to take actions similar to the efforts referred to in subparagraph (D);

(G) describe how the United States Government will ensure the efficient delivery of COVID–19 vaccines to intended recipients, including United States citizens residing overseas;

(H) identify complementary United States foreign assistance that will facilitate vaccine readiness, distribution, delivery, monitoring, and administration activities;

(I) describe how the United States Government will ensure the efficient delivery and administration of COVID–19 vaccines to United States citizens residing overseas, including through the donation of vaccine doses to United States embassies and consulates described in paragraph (1); and

(ii) countries that are not presently distributing a COVID–19 vaccine that—

(i) are licensed or authorized for emergency use by the Food and Drug Administration; or

(ii) has met the necessary criteria for safety and efficacy established by the World Health Organization;

(J) summarize the United States Government’s efforts to encourage and facilitate sharing and the licensing of intellectual property, to the extent necessary, to support the adequate and timely supply of vaccines and vaccine components to meet the vaccination goals specified in subsection (a)(6), giving due consideration to avoiding undermining intellectual property innovation and intellectual property rights protections with respect to vaccine development;

(K) describe the roles, responsibilities, tasks, and, as appropriate, the authorities of the Secretary of Health and Human Services, the Attorney General, the United States International Development Finance Corporation, and the heads of other relevant Federal departments and agencies with respect to the implementation of the strategy;

(L) describe how the Department of State and USAID will coordinate with the Secretary of Health and Human Services and the heads of other relevant Federal agencies—

(i) to expedite the export and distribution of Federally purchased vaccines to countries in need, and

(ii) to ensure that such vaccines will not be wasted;

(M) summarize the United States public diplomacy strategies for branding and addressing vaccine misinformation and hesitancy within partner countries; and

(N) describe how the United States is making to help countries disrupt the current transmission of COVID–19, utilizing medical products and medical supplies.

(2) SUBMISSION OF STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit the strategy described in paragraph (1) to—

(A) the appropriate congressional committees;

(B) the Committee on Health, Education, Labor, and the Committee of the Senate; and

(C) the Committee on Energy and Commerce of the Representatives.

(3) LEVERAGING UNITED STATES BILATERAL GLOBAL HEALTH SECURITY AND FOREIGN ASSISTANCE ACT (22 U.S.C. 2151b) MAY BE USED IN NATIONAL COVID–19 RESPONSE.—Amounts appropriated or otherwise made available for FY2021 under section 104 of the Foreign Assistance Act (22 U.S.C. 2151b) may be used by countries receiving United States foreign assistance—

(A) to combat the COVID–19 pandemic, including through the sharing of COVID–19 vaccines; and

(B) to support related activities, including—

(i) strengthening vaccine readiness;

(ii) reducing vaccine hesitancy and misinformation;

(iii) delivering and administering COVID–19 vaccines;

(iv) strengthening health systems and global supply chains as necessary for global health security and pandemic preparedness, prevention, and response;

(v) supporting global health workforce planning, training, and management for pandemic preparedness, prevention, and response;

(vi) enhancing transparency, quality, and reliability of public health data;

(vii) increasing public health testing, including screening for symptomatic and asymptomatic cases; and

(viii) building laboratory capacity.

(4) ROLES OF THE DEPARTMENT OF STATE, USAID, AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN INTERNATIONAL PANDEMIC RESPONSE.

(A) DESIGNATION OF LEAD AGENCIES FOR COORDINATION OF THE UNITED STATES’ INTERNATIONAL RESPONSE TO INFECTIOUS DISEASE OUTBREAKS AND OTHER PUBLIC HEALTH EMERGENCIES.

(i) The President shall designate relevant Federal departments and agencies, including the Department of State, USAID, and the Department of Health and Human Services (including the Centers for Disease Control and Prevention), to lead specific aspects of the United States international response to outbreaks of emerging high-consequence infectious disease threats.

(ii) The President shall—

(A) the appropriate congressional committees, the Committee on Health, Education, Labor, and the Senate, and the Committee on Energy and Commerce;

(B) the Committee on Energy and Commerce;

(C) the Committee on the House of Representatives;

(D) the Committee on the House of Representatives; and

(E) the Committee on Energy and Commerce.

(5) USAID DISASTER SURGE CAPACITY.—

(A) USAID shall provide for the enhancement of the USAID’s Disaster Surge Capacity to respond to domestic and international emergencies and disasters.

(i) USAID shall notify the appropriate congressional committees of—

(A) the number of individuals deployed in FY2021 under the USAID’s Disaster Surge Capacity; and

(B) the countries to which such individuals were deployed in FY2021 under the USAID’s Disaster Surge Capacity.

(B) USAID shall consult with the Federal departments and agencies to establish appropriate roles and responsibilities of the USAID’s Disaster Surge Capacity.

(C) The USAID Disaster Surge Capacity shall be deployed to support—

(i) the response to domestic and international emergencies and disasters; and

(ii) the response to COVID–19 outbreaks.

(6) IDENTIFICATION OF COMPLEMENTARY UNITED STATES INTERNATIONAL ACTIVITIES TO ADVANCE GLOBAL HEALTH SECURITY AND DIPLOMACY STRATEGY AND REPORT.—

(A) In general.—The President shall—

(i) develop, maintain, and execute a comprehensive strategy for improving United States global health security and diplomacy for pandemic prevention, preparedness, and response that, consistent with the purposes of this subtitle, shall—

(1) clearly articulate United States policy goals related to pandemic prevention, preparedness, and response, including through actions to strengthen diplomatic leadership and the effectiveness of United States foreign assistance for global health security through advancement of a One Health approach, the Global Health Security Agenda, the International Health Regulations (2005), and other relevant frameworks that contribute to pandemic prevention and preparedness;

(ii) establish specific and measurable goals, benchmarks, and performance metrics, and monitoring and evaluation plans for United States foreign policy and assistance for global health security that promote learning and can reflect international best practices relating to global health security, transparency, and accountability;

(1) establish transparent mechanisms to improve coordination and avoid duplication of effort between and among the relevant Federal departments and agencies, partner countries, the private sector, multilateral organizations, and other key stakeholders;

(2) prioritize working with partner countries with—

(i) demonstrated need, as identified through the Joint External Evaluation process, the Global Health Security Index classification, and other national action plans for health security, Global Health Security Agenda, other risk-based assessments, and complementary or successor indicators of global health security and pandemic preparedness; and

(ii) demonstrated commitment to transparency, including budget and global health data transparency, with the International Health Regulations (2005), investing in domestic health systems, and achieving measurable results;

(1) reduce long-term reliance upon United States foreign assistance for global health security by—

(i) ensuring that United States global health security assistance authorized under this title is strategically planned and coordinated in a manner that delivers immediate
impact and contributes to enduring results, including through efforts to enhance community capacity and resilience to infectious disease threats and emergencies; and
(ii) the efforts of the Federal department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(3) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the submission of the strategy pursuant to paragraph (2), and not later than October 1 of each year thereafter, the President shall submit a report to the committees referred to in paragraph (2)(A) that describes the status of the implementation of such strategy.

(B) CONTENTS.—Each report submitted pursuant to subparagraph (A) shall—
(i) identify any substantial changes made to the strategy during the preceding calendar year;
(ii) describe the progress made in implementing the strategy, including specific information related to the progress toward improving countries’ ability to detect, prevent, and respond to infectious diseases, such as COVID-19 and Ebola; and
(iii) identify—
(I) the indicators used to establish benchmarks and measure results over time; and
(II) the mechanisms for reporting such results in an open and transparent manner;
(iv) contain a transparent, open, and detailed accounting of obligations by relevant Federal departments and agencies to ensure that the activities and programs carried out pursuant to the strategy, including through specific activities to strengthen health systems for global health security and pandemic prevention, preparedness, and response, as appropriate, for each such Federal department and agency; or agency to ensure that the activities and programs carried out pursuant to the strategy, including through specific activities to strengthen health systems for global health security and pandemic prevention, preparedness, and response, as appropriate, for each such Federal department and agency; and
(v) the efforts of the relevant Federal department or agency to ensure that the activities and programs carried out pursuant to the strategy, including through specific activities to strengthen health systems for global health security and pandemic prevention, preparedness, and response, as appropriate, for each such Federal department and agency.

(4) R EPORTING REQUIREMENTS.—The President shall submit reports pursuant to paragraph (3) that—

(A) to the heads of the Federal departments and agencies; and

(B) to the committees referred to in paragraph (2)(A) that described the status of the implementation of such strategy.

(5) PARTICIPATION.—The Council—

(A) shall be headed by the Assistant to the President for National Security Affairs, in coordination with the heads of relevant Federal agencies; and

(B) should consist of representatives of the relevant Federal agencies and the Council may not assume any responsibilities or authorities of the head of any Federal department, agency, or office, including the foreign affairs responsibilities and authorities of the Secretary of State to oversee the implementation of programs and policies that advance global health security within foreign countries.

(6) S PECIFIC ROLES AND RESPONSIBILITIES.—The Assistant to the President for National Security Affairs and the Council may not assume any responsibilities or authorities of the head of any Federal department, agency, or office, including the foreign affairs responsibilities and authorities of the Secretary of State to oversee the implementation of programs and policies that advance global health security within foreign countries.

(7) S PECIFIC ROLES AND RESPONSIBILITIES.—The heads of the agencies referred to in paragraph (2)(A) shall—

(A) make the implementation of the GHSA and global pandemic preparedness a high priority within their respective agencies;

(B) take steps to achieve the GHSA goals, objectives, and outcomes and improved domestic health security and pandemic preparedness, response, and capabilities; and

(C) maintain readiness and maintain the identified threat conditions.

(8) GENERAL RESPONSIBILITIES.—The Council shall—

(A) in coordination with the heads of relevant Federal agencies; and

(B) consistent with the purposes of this subtitle, in coordination with the heads of relevant Federal departments and agencies, to ensure that the activities and programs carried out pursuant to the strategy, including through specific activities to strengthen health systems for global health security and pandemic prevention, preparedness, and response, as appropriate, for each such Federal department and agency; and

(F) assist partner countries in building the technical capacity of relevant ministries, systems, and networks to prepare, execute, monitor, and evaluate national action plans for global health security and pandemic prevention, preparedness, and response, as appropriate; and

(G) support and align United States foreign assistance authorized under this subtitle with such national action plans for health security and pandemic prevention, preparedness, and response, as appropriate; and

(H) facilitate communication and collaboration, as appropriate, among local stakeholders in support of country-led strategies and initiatives to ensure that health impacts related to deforestation, climate-related events, and increased unsafe interactions with wildlife, livestock, and people contributing to the emergence, re-emergence, and spread of zoonoses; and

(I) support global health budget and workforce planning in partner countries consistent with the purposes of this subtitle, including training in financial management and budget and global health data transparency.

(J) strengthen linkages between complementary bilateral and multilateral foreign assistance programs, including efforts of the World Bank, the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and Gavi, the Vaccine Alliance, that contribute to the development of more resilient health systems and global supply chains for global health security and pandemic prevention, preparedness, and response in partner countries with the capacity to respond to emerging infectious disease threats; and

(K) support innovation and partnerships with local and private sector, health organizations, civil society, nongovernmental, faith-based and indigenous organizations, and health research and academic institutions to improve global pandemic prevention, preparedness, and response, including for the development and deployment of effective and accessible infectious disease tracking tools, diagnostics, therapeutics, and vaccines.
appropriate partners to which the United States is providing assistance.

(B) ADDITIONAL ROLES AND RESPONSIBILITIES.—In addition to the roles and responsibilities under subparagraph (A), the heads of relevant Federal departments and agencies should carry out their respective roles and responsibilities described in—

(i) Executive Order 13747 (81 Fed. Reg. 78701; relating to Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats).


(c) ORGANIZATION OF UNITED STATES INTERNATIONAL ACTIVITIES TO ADVANCE GLOBAL HEALTH SECURITY AND DIPLOMACY.—

(1) ESTABLISHMENT.—There is established, within the Department of State, the position of Special Representative for United States International Activities to Advance Global Health Security and Diplomacy Overseas (referred to in this section as the "Special Representative").

(2) APPOINTMENT; QUALIFICATIONS.—The Special Representative—

(A) shall be designated by the President, by and with the advice and consent of the Senate;

(B) shall report to the Secretary of State; and

(C) shall have—

(i) demonstrated knowledge and experience in the fields of development and public health, epidemiology, or medicine; and

(ii) relevant diplomatic, policy, and political expertise.

(3) AUTHORITIES.—The Special Representative may—

(A) operate internationally to carry out the purposes of this section;

(B) ensure effective coordination, management, and oversight of United States foreign policy, diplomatic efforts, and foreign assistance funded with amounts appropriated to carry out this subtitle to advance the relevant elements of the United States Global Health Security and Diplomacy Strategy developed pursuant to subsection (a) by—

(i) formulating, issuing, and updating related policy guidance;

(ii) establishing, in coordination with USAID and the Department of Health and Human Services, unified auditing, monitoring, and evaluation plans;

(iii) avoiding duplication of effort and working to resolve policy, program, and funding disputes with the relevant Federal departments and agencies;

(iv) leading diplomatic efforts to identify and address current and emerging threats to global health security;

(v) ensuring, in consultation with the Secretary of Health and Human Services and the USAID Administrator, effective representation of United States interests in relevant international forums, including the World Health Organization, the World Health Assembly, and meetings of the Global Health Security Agenda and of the Global Health Security Initiative;

(vi) working to enhance coordination with, and transparency among, the governments of partner countries and key stakeholders, including the private sector;

(vii) promoting greater donor and national investment in partner countries to build health systems and supply chains for global health security and pandemic prevention and preparedness;

(viii) securing bilateral and multilateral financial resources to advance Global Health Security Agenda, in coordination with relevant Federal departments and agencies, including through funding for the financing mechanism described in section 6295; and

(ix) providing regular updates to the appropriate congressional committees on the implementation of the activities described in this paragraph:

(C) represent the United States in the multilateral, catalytic financing mechanism described in (B); and

(D) utilize details, on a reimbursable or nonreimbursable basis, from relevant Federal departments and agencies and hire personnel, domestically and internationally, to ensure that the Office of the Special Representative has access to the highest quality experts available to the United States Government to carry out the functions under this subtitle; and

(E) perform such other functions as the Secretary of State may assign.

(d) STRENGTHENING HEALTH SYSTEMS FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREVENTION AND PREPAREDNESS.—

(1) STRATEGY.—It is the policy of the United States to ensure that bilateral global health assistance programs are effectively managed and coordinated, as necessary, and in the purposes of this subtitle, to contribute to the strengthening of health systems for global health security and pandemic prevention, preparedness, and response in each country in which such programs are carried out.

(2) COORDINATION.—The USAID Administrator shall work with the Global Malaria Coordination and Support Team Global AIDS Coordinator, the Special Representative for Global Health Diplomacy at the Department of State, and, as appropriate, the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, and hire personnel on a reimbursable or nonreimbursable basis, from relevant Federal departments and agencies and hire personnel, to work with the Department of State, the World Health Organization, the United States Global Leadership to Strengthen the Security and Pandemic Prevention and Preparedness, and the United States Global Health Diplomacy at the Department of State, and, as appropriate, the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, and hire personnel, to coordinate and work with the Department of State, the World Health Organization, the United States Global Leadership to Strengthen the Security and Pandemic Prevention and Preparedness, and the United States Global Health Diplomacy at the Department of State, and, as appropriate, the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, to carry out the functions under this subtitle.

(e) INTERNATIONAL PANDEMIC EARLY WARNING AND PREPAREDNESS.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of the other relevant Federal departments and agencies, should work with the World Health Organization’s Emergencies Programme, the Global Health Security Agenda, and national action plans for global health security, shall, work, in coordination with the World Health Organization, with partner countries and other key stakeholders to support the establishment, strengthening, and rapid response capacity of global health emergency operations centers, at the partner country and international levels, including efforts—

(A) to collect and share public health data, assess risk, and operationalize early warning;

(B) to secure, including through utilization of stand-by arrangements and emergency mechanisms, the resources necessary to execute cross-sectional emergency operations during the 48-hour period immediately following an infectious disease outbreak with pandemic potential, and in the aftermath of such declaration.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary of State, in coordination with the Secretary of Health and Human Services and the heads of the other relevant Federal departments and agencies, shall submit a report to the Committees on Appropriations, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, that describes United States Government efforts and opportunities to establish or strengthen effective early warning systems to detect infectious disease threats internationally.

(f) INTERNATIONAL EMERGENCY OPERATIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that it is essential to enhance the capacity of key stakeholders to effectively operationalize early warning and execute actions to avoid or mitigate global emergencies during an infectious disease outbreak, particularly in countries and areas that deliberately withhold critical global health data and delay access during an infectious disease outbreak in advance of the next infectious disease outbreak with pandemic potential.

(2) PUBLIC HEALTH EMERGENCIES OF NATIONAL CONCERN.—The Secretary of Health and Human Services, in coordination with the Secretary of State, should work with the World Health Organization and like-minded member states to adopt an approach toward assessing infectious disease threats under the International Health Regulations (2005) for the World Health Organization to identify and transparently communicate, on an ongoing basis, varying levels of risk leading up to a declaration by the Director General of the World Health Organization of a Public Health Emergency of National Concern for the duration and in the aftermath of such declaration.

(3) EMERGENCY OPERATIONS.—The Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, should work, in coordination with the World Health Organization, with partner countries and other key stakeholders to support the establishment, strengthening, and rapid response capacity of global health emergency operations centers, at the partner country and international levels, including efforts—

(A) to collect and share public health data, assess risk, and operationalize early warning;

(B) to secure, including through utilization of stand-by arrangements and emergency mechanisms, the resources necessary to execute cross-sectoral emergency operations during the 48-hour period immediately following an infectious disease outbreak with pandemic potential, and in the aftermath of such declaration.

SEC. 6295. INTERNATIONAL FINANCING MECHANISM FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREVENTION AND PREPAREDNESS.

(a) DEFINED TERM.—In this section, the term "eligible partner country" means a country in which the Fund for Global Health Security and Pandemic Prevention and Preparedness established pursuant to subsection (b) may finance global health security and pandemic prevention and preparedness assistance programs under this subtitle based on—

(1) the country's demonstrated need, as identified through the IHR (2005) Monitoring and Evaluation Framework, the Global Health Security Index classification of national capacity for health security, the World Organization for Animal Health’s Performance of Veterinary Services evaluation, and other complementing indicators of global health security and pandemic prevention and preparedness; and...
(2) the country’s commitment to transparency, including—
(A) budget and global health data transparency;
(B) its compliance with the International Health Regulations (2005);
(C) investments in domestic health systems; and
(D) the achievement of measurable results.
(b) Establishment of Fund for Global Health Security and Pandemic Prevention and Preparedness.

(1) Negotiations.—The Secretary of State, in coordination with the USAID Administrator, the Secretary of Health and Human Services, the Treasury Secretary, and other relevant Federal departments and agencies, as necessary and appropriate, should seek to enter into negotiations with donors, relevant United Nations agencies, including the World Health Organization, and other key multilateral stakeholders, to establish—
(A) a multilateral, catalytic financing mechanism for global health security and pandemic prevention and preparedness, which may be formed as financial intermediary fund of the World Bank and be known as the ‘Fund for Global Health Security and Pandemic Prevention and Preparedness’ (referred to in this section as the ‘Fund’), in accordance with the provisions of this subsection; and
(B) a Technical Advisory Panel to the Fund, in accordance with subsection (e).
(2) Purposes.—The purposes of the Fund should be—
(A) to close critical gaps in global health security and pandemic prevention and preparedness, and
(B) to work with and build the capacity of, eligible partner countries in the areas of global health security, infectious disease control, and pandemic prevention and preparedness in order to—
(i) prioritize capacity building and financing available in eligible partner countries;
(ii) incentivize countries to prioritize the use of domestic resources for global health security and pandemic prevention and preparedness;
(iii) leverage governmental, nongovernmental, and private sector investments;
(iv) regularly respond to and evaluate progress toward metrics as benchmarks, such as those developed through the IHR (2005) Monitoring and Evaluation Framework and the Global Health Security Index;
(v) align with and complement ongoing bilateral and multilateral efforts and financing; and
(vi) help countries accelerate and achieve high levels of health system resilience and sustained readiness to prevent and respond to infectious disease threats before they become pandemics.
(3) Executive Board.—(A) IN GENERAL.—The Fund should be governed by a transparent and accountable body referred to in this section as the ‘Executive Board’, which should—
(i) function as a partnership with, and through full engagement by, donor governments; eligible partner countries, and independent civil society; and
(ii) be composed of not more than 21 representatives of governments, foundations, academic institutions, independent civil society, indigenous people, vulnerable communities, frontline health workers, and the private sector with demonstrated commitment to carrying out the purposes of the Fund and upholding transparency and accountability requirements.
(B) Duties.—The Executive Board should—
(i) be charged with approving strategies, operations, and grant making activities such that it is able to conduct effective fiduciary, monitoring, evaluation efforts, and other oversight functions;
(ii) determine operational procedures to enable the Fund to effectively fulfill its mission;
(iii) provide oversight and accountability for the Fund in collaboration with the Inspector General established pursuant to subsection (d)(5)(A)(i); (iv) develop and utilize a mechanism to obtain formal input from eligible partner countries, independent civil society, and implementing entities relative to program design, review, and implementation and associated lessons learned; and
(v) coordinate and align with other multilateral financing and technical assistance activities, and with the activities of the United States and other nations leading pandemic preparedness and response activities in partner countries, as appropriate.
(C) Composition.—The Executive Board should include—
(i) representatives of the governments of founding member countries who, in addition to meeting the requirements under subparagraph (A), qualify based upon—
(I) meeting an established initial contribution threshold, which should be not less than 10 percent of the country’s total initial contributions; and
(II) demonstrating a commitment to supporting the International Health Regulations (2005);
(ii) representatives of the World Health Organization, to serve in an observer status; and
(iii) representatives of the Global Health Security Agenda Steering Group, to serve in an observer status.
(D) Contributions.—Each government or private sector entity represented on the Executive Board should agree to contribute a minimum amount that is not less than the minimum amount determined by the Executive Board.
(E) Qualifications.—Individuals appointed to the Executive Board should have demonstrated knowledge and experience across a variety of sectors, including human and animal health, agriculture, development, defense, finance, and economics.
(F) Conflicts of Interest.—All Executive Board members should be required to recuse themselves from matters presenting conflicts of interest, including financing decisions relating to such countries, bodies, and institutions.
(G) United States Representation.—(I) FOURTEEN MEMBER.—The Secretary of State should seek—
(I) to establish the United States as a founding member of the Fund; and
(II) to ensure that United States representation is reflected on the Executive Board by an official or employee of the United States who has been appointed by the President.
(II) EFFECTIVE DATES.—(I) EFFECTIVE DATE.—This subparagraph shall take effect on the date on which the Secretary of State submits to Congress a certified copy of the agreement establishing the Fund.

(ii) be composed of not more than 21 representatives of governments, foundations, academic institutions, independent civil society, indigenous people, vulnerable communities, frontline health workers, and the private sector with demonstrated commitment to carrying out the purposes of the Fund and upholding transparency and accountability requirements.
(ii) Duties.—The Executive Board should—
(i) be charged with approving strategies, operations, and grant making activities such that it is able to conduct effective fiduciary, monitoring, evaluation efforts, and other oversight functions;
(ii) determine operational procedures to enable the Fund to effectively fulfill its mission;
(iii) provide oversight and accountability for the Fund in collaboration with the Inspector General established pursuant to subsection (d)(5)(A)(i); (iv) develop and utilize a mechanism to obtain formal input from eligible partner countries, independent civil society, and implementing entities relative to program design, review, and implementation and associated lessons learned; and
(v) coordinate and align with other multilateral financing and technical assistance activities, and with the activities of the United States and other nations leading pandemic preparedness and response activities in partner countries, as appropriate.
(C) Composition.—The Executive Board should include—
(i) representatives of the governments of founding member countries who, in addition to meeting the requirements under subparagraph (A), qualify based upon—
(I) meeting an established initial contribution threshold, which should be not less than 10 percent of the country’s total initial contributions; and
(II) demonstrating a commitment to supporting the International Health Regulations (2005);
(ii) representatives of the World Health Organization, to serve in an observer status; and
(iii) representatives of the Global Health Security Agenda Steering Group, to serve in an observer status.
(D) Contributions.—Each government or private sector entity represented on the Executive Board should agree to contribute a minimum amount that is not less than the minimum amount determined by the Executive Board.
(E) Qualifications.—Individuals appointed to the Executive Board should have demonstrated knowledge and experience across a variety of sectors, including human and animal health, agriculture, development, defense, finance, and economics.
(F) Conflicts of Interest.—All Executive Board members should be required to recuse themselves from matters presenting conflicts of interest, including financing decisions relating to such countries, bodies, and institutions.
(G) United States Representation.—(I) FOURTEEN MEMBER.—The Secretary of State should seek—
(I) to establish the United States as a founding member of the Fund; and
(II) to ensure that United States representation is reflected on the Executive Board by an official or employee of the United States who has been appointed by the President.
(II) EFFECTIVE DATES.—(I) EFFECTIVE DATE.—This subparagraph shall take effect on the date on which the
(i) to enable eligible partner countries to formulate and implement national health security and pandemic prevention and preparedness action plans, advance action packages under the Global Health Security Agenda, and adopt and uphold commitments under the International Health Regulations (2005) and complementary or successor indicators, including health systems and pandemic prevention and preparedness, as appropriate;

(ii) to support global health security budget planning in eligible partner countries, including training in public financial management, integrated and transparent budget and global health data and human resource information systems;

(iii) to strengthen the health security workforce, including hiring, training, and deploying emergency planning and response essential staff, including community health workers, to improve frontline preparedness of, and monitoring and preparedness for, unknown, new, emerging, or reemerging pathogens of pandemic potential, including capacity to surge and manage additional staff during emergencies;

(iv) to improve the quality of community health worker programs as the foundation of pandemic preparedness and response through application of appropriate assessment tools;

(v) to improve—

(I) infection prevention and control;

(II) the protection of healthcare workers, including community health workers; and

(III) access to water and sanitation within healthcare settings;

(vi) to combat the threat of antimicrobial resistance;

(vii) to strengthen laboratory capacity and promote biosafety and biosecurity through the provision of material and technical assistance;

(viii) to reduce the risk of—

(I) bioterrorism;

(II) the emergence, reemergence, or spread of zoonotic disease (whether through loss of natural habitat, the commercial trade in wildlife for human consumption, or other means); and

(III) accidental biological release;

(ix) to build technical capacity to manage, as appropriate, supply chains for global health security and pandemic prevention and preparedness, including effective forecasting, procurement, warehousing, and delivery from central warehouses to points of service in the health sector; to enable bilateral, regional, and international partnerships and cooperation, including through pandemic early warning systems and emergency operations centers, to identify and address transnational infectious disease threats exacerbated by natural and man-made disasters, human displacement, and zoonotic infection;

(x) to establish partnerships for the sharing of best practices and enabling eligible countries to meet targets and indicators under the Global Health Security Index Monitoring and Evaluation Framework, the Global Health Security Index classification of health systems, and national action plans for health security relating to the prevention, detection, and treatment of neglected tropical diseases;

(xi) to develop and utilize metrics to monitor and evaluate programmatic performance and identify best practices, including in accordance with the IHR (2005) Monitoring and Evaluation Framework, including Joint External Evaluation benchmarks, Global Health Security Agenda targets, and Global Health Security Index indicators;

(xii) to develop and deploy mechanizes to enhance and independently monitor the transparency and accountability of global health security and pandemic prevention and preparedness programs and data, in compliance with the International Health Regulations (2005), including through the sharing of trends, risks, and lessons learned;

(xiv) to promote broad participation in emergency planning and advisory bodies, including by women and frontline health workers;

(xv) to develop and implement simulation exercises to produce and release action reports, and to address related gaps;

(xvi) to support countries in conducting Joint External Evaluations;

(xvii) to improve disease surveillance capacity in partner countries, including at the community level, to improve such countries’ capacity to detect and respond to known and unknown pathogens and zoonotic infectious diseases; and

(xviii) to support governments through coordinated and prioritized assistance efforts to prevent the emergence, reemergence, or spread of zoonotic diseases caused by deforestation, commercial trade in wildlife for human consumption, climate-related events, and unsafe interactions between wildlife, livestock, and people.

(C) IMPLEMENTATION OF PROGRAM OBJECTIVES.—In carrying out the objectives described in subparagraph (A), the Fund should—

(1) take such actions as may be necessary to ensure that the Fund will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Fund, including the cost of administering the Fund;

(2) seek to ensure there is agreement to put in place a conflict of interest policy to ensure fairness and a high standard of ethical conduct in the Fund’s decision-making processes, including proactive procedures to screen staff for conflicts of interest and measures to address any conflicts, such as—

(I) potential divestments of interests;

(ii) prohibition from engaging in certain activities; and

(III) recusal from certain decision-making and administrative processes; and

(3) representatives by an alternate board member; and

(C) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Fund.

(4) SELECTION OF PARTNER COUNTRIES, PROGRAMS, AND RECIPIENTS.—The Executive Board should—

(A) establish selection criteria for eligible partner countries, including transparent metrics to measure global health security and pandemic prevention and preparedness strengths and vulnerabilities in countries seeking assistance;

(B) minimize standards for ensuring eligible partner country ownership and commitment to long-term results, including requirements for domestic budgeting, resource mobilization, and co-investments;

(C) criteria for the selection of projects to receive support from the Fund;

(D) standards and criteria regarding qualifications of recipients and their programs and activities; and

(E) such rules and procedures as may be necessary—

(i) for cost-effective management of the Fund;

(ii) to ensure transparency and accountability in the grant-making process;

(iii) to invest in domestic health systems; and

(iv) achieving measurable results.

(D) ELIGIBLE GRANT RECIPIENTS.—Governments and nongovernmental, faith-based and indigenous organizations should be eligible for cooperative grants described in this subsection.

(E) ADMINISTRATION.—

(I) APPOINTMENTS.—The Executive Board of the Fund should appoint—

(A) an Administrator, who should be responsible for managing the day-to-day operations of the Fund; and

(B) an independent Inspector General, who should be responsible for managing grants implementation and proactively safeguarding against conflicts of interests.

(II) AUTHORITY TO ACCEPT AND SOLICIT CONTRIBUTIONS.—The Fund should be authorized to solicit and accept contributions from governments, the private sector, foundations, individuals, and nongovernmental entities of all kinds.

(III) ACCOUNTABILITY, CONFLICTS OF INTEREST, CRITERIA FOR PROGRAMS.—As part of the negotiations described in subsection (b)(1), the Secretary of State, consistent with paragraph (4), shall—

(A) take such actions as may be necessary to ensure that the Fund will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Fund, including the cost of administering the Fund;

(B) seek to ensure there is agreement to put in place a conflict of interest policy to ensure fairness and a high standard of ethical conduct in the Fund’s decision-making processes, including proactive procedures to screen staff for conflicts of interest and measures to address any conflicts, such as—

(I) potential divestments of interests;

(ii) prohibition from engaging in certain activities; and

(iii) recusal from certain decision-making and administrative processes; and

(iv) representation by an alternate board member; and

(C) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Fund.

(V) ADDITIONAL TRANSPARENCY AND ACCOUNTABILITY REQUIREMENTS.—

(A) INSPECTOR GENERAL.—

(I) IN GENERAL.—The Secretary of State shall seek to ensure that the Fund maintains an independent Office of Inspector General, appointed pursuant to paragraph (1)(B), who—
(I) is fully enabled to operate independently and transparently; and
(II) is supported by—such resources and capacity to regularly conduct and make publicly accessible, rigorous financial, programmatic, and reporting audits and investigations of the Fund and its grantees, including sub-
accounts; and
(III) establishes an investigative unit that—
(a) develops an oversight mechanism to ensure that grant funds are not diverted to illicit or corrupt purposes or activities; and
(b) submits an annual report to the Executive Branch on its activities, investigations, and results.

(ii) SENSE OF CONGRESS ON CORRUPTION.—It is the sense of Congress that—
(A) the Fund and the United States contributions to the Fund shall be designed to ensure that global health programs contribute directly to the loss of human life and cannot be tolerated; and
(B) in making financial recoveries relating to the Fund, the United States shall seek to ensure the Fund—
(1) maintains, and makes publicly available—
(i) the amount of funds disbursed to each grant recipient and sub-
recipient during each grant’s fiscal cycle.
(ii) the total cost of programs and projects to be assisted by the Fund.
(iii) the programs, projects, and activities supported by the Fund;
(iv) the effectiveness of the programs, projects, and activities supported by the Fund; and
(v) an assessment of the merits of continued United States participation in the Fund.

(g) UNITED STATES CONTRIBUTIONS.—
(1) IN GENERAL.—Subject to paragraph (2), the President may release Federal funding that has been appropriated by Congress for United States contributions to the Fund.

(2) NOTIFICATION.—The Secretary of State shall notify the appropriate congressional committees that the Fund has—
(A) the goals of the Fund;
(B) the programs, projects, and activities supported by the Fund;
(C) the effectiveness of the programs, projects, and activities supported by the Fund; and
(D) the amount of the proposed contribution;
(E) the total of funds contributed by other donors; and
(F) the national interests served by United States participation in the Fund.

(3) LIMITATION.—During the 5-year period beginning on the date of the enactment of this Act, the cumulative total of United States contributions to the Fund may not exceed 33 percent of the total contributions to the Fund from all sources.

(4) WITHHOLDING.—
(A) SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—If the Secretary of State determines that the salary of the Vice President of the United States for such fiscal year, the United States shall withhold not more than 20 percent of planned United States contributions to the Fund until the Secretary certifies to the appropriate congressional committees that the Fund has established procedures to provide access by the Inspector General of the Department of State, in consultation with the Secretary of State.

SEC. 6296. GENERAL PROVISIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appropriated to the Secretary, for the 5-year period beginning on October 1, 2022, $5,000,000,000, which—

(ii) may be used to carry out sections 6299h and 6299i, in consultation with the appropriate congressional committees and subject to the requirements under chapters 1 and 10 of part I and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)

(B) may include support for—
(i) enhancing pandemic prevention, preparedness, and response in partner countries through implementation of the Global Health Security and Diplomacy Strategy developed pursuant to section 6294; and
(ii) United States contributions to a multilateral, catalytic financing mechanism for global health security and pandemic prevention and preparedness described in section 6295.

(2) EXCEPTION.—Section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) shall not apply to assistance made available pursuant to this subsection.

(b) COMPLIANCE WITH THE FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016.—Section 2(3) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114-191; 22 U.S.C. 2394) is amended by adding the following:

(1) in subparagraph (D), by striking “and” at the end;
(2) in subparagraph (E), by striking the period at the end and inserting “and”; and
(3) by adding at the end the following:
“(F) the International Pandemic Preparedness and COVID–19 Response Act of 2022.”.

SEC. 6297. SUNSET.
This subtitle, and the amendments to this subtitle, shall cease to be effective on September 30, 2027.

SEC. 6301. SENSE OF THE SENATE ON THE SPACE DEVELOPMENT AGENCY.
It is the sense of the Senate that—
(1) as the Space Development Agency transfers into the United States Space Force in October 2022, the Space Development Agency should retain the original organization and employees during that process, including leadership positions;
(2) there should be a transfer of three Senior Executive Service positions authorized for the Department of Defense to the Space Development Agency;
(3) the modification described in paragraph (2) should be approved per the National Defense Authorization Act for Fiscal Year 2021 Joint Explanatory Statement, which directed that when the Space Development Agency transfers to the Department of the Air Force, that Department shall retain the equivalent position of tier-3 Senior Executive Service; and
(4) the Director of the Space Development Agency should maintain equivalency to—
(A) the Commander of Space Systems Command;
(B) the Director of the Department of the Air Force Rapid Capabilities Office;
(C) the Director of the Space Security and Defense Program;
(D) the Director of the Space Warfare Systems Center; and
(E) the Director of the Space Rapid Capabilities Office;
(F) the Commander of Space Operations Command; and
(G) the Commander of Space Training and Readiness Command.

SEC. 6502. AUTHORIZATION OF WORKFORCE DEVELOPMENT AND TRAINING PARTNERSHIP PROGRAMS WITHIN NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—The Administrator for Nuclear Security may authorize management and operating contractors at covered facilities to develop and implement workforce development and training partnership programs with covered institutions to further the education and training of employees or prospective employees of such management and operating contractors in order to meet the requirements of section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a).
(b) CAPACITY.—To carry out subsection (a), a management and operating contractor at a covered facility may provide to a covered institution through grants or other means to cover the costs of the development and implementation of a workforce development and training partnership program authorized by subsection (a), including costs related to curriculum development, hiring of teachers, procurement of equipment and machinery, use of facilities or other properties, and provision of scholarships and fellowships.
(c) DEFINITIONS.—In this section:
(1) COVERED INSTITUTION.—The term ‘‘covered institution’’ means—
(A) a historically Black college or university;
(B) a Hispanic-serving institution; or
(C) a Tribal College or University.
(2) COVERED FACILITY.—The term ‘‘covered facility’’ means—
(A) Los Alamos National Laboratory, Los Alamos, New Mexico; or
(B) the Savannah River Site, Aiken, South Carolina.
(3) HISPANIC-SERVING INSTITUTION.—The term ‘‘Hispanic-serving institution’’ has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1061).
(4) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘‘historically Black college or university’’ has the meaning given the term ‘‘part B institution’’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).
(5) PROSPECTIVE EMPLOYEE.—The term ‘‘prospective employee’’ means an individual who has applied or who, based on their field of study and experience, is likely to apply for a position with a management and operating contractor to support plutonium pit production at a covered facility.
(6) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘‘Tribal College or University’’ has the meaning given that term in section 502 of the Atomic Energy Defense Act (50 U.S.C. 2538a).

SEC. 6503. IRAN NUCLEAR WEAPONS CAPABILITY AND TERRORISM MONITORING ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the ‘‘Iran Nuclear Weapons Capability and Terrorism Monitoring Act of 2022’’.

(b) FINDINGS.—Congress makes the following findings:
(1) In 1979, the Islamic Republic of Iran established the AMAD Project with the intent to manufacture 5 nuclear weapons and prepare an underground nuclear test site.
(2) Since at least 2002, the Islamic Republic of Iran has advanced its nuclear and ballistic missile programs, posing serious threats to the security interests of the United States, Israel, and other allies and partners.
(3) In 2002, nuclear facilities in Natanz and Arak, Iran, were revealed to the public by the National Council of Resistance of Iran.
(4) On April 11, 2006, the Islamic Republic of Iran announced that it had enriched uranium for the first time to a level close to 3.5 percent at the Natanz Pilot Fuel Enrichment Plant, Natanz, Iran.
(6) The United Nations Security Council subsequently adopted Resolutions 1797 (2007), 1903 (2008), and 2090 (2010), all of which targeted the nuclear program of and imposed additional sanctions with respect to the Islamic Republic of Iran.
(7) On February 3, 2009, the Islamic Republic of Iran announced that it had launched its first satellite, which raised concern over the possibility of the satellite to the ballistic missile program.
(8) In September 2009, the United States, the United Kingdom, and France revealed the existence of Israel’s Point Break fuel enrichment complex in Iran, years after construction started on the plant.
(9) In 2010, the Islamic Republic of Iran reportedly had enriched uranium to a level of 20 percent.
(10) On March 9, 2016, the Islamic Republic of Iran launched 2 variations of the Qadr medium-range ballistic missile.
(11) On January 28, 2017, the Islamic Republic of Iran conducted a test of a medium-range ballistic missile, which traveled an estimated 600 kilometers.
(12) In 2018, Israel seized a significant portion of the nuclear archive of the Islamic Republic of Iran, which contained tens of thousands of classified and compact discs relating to past efforts at nuclear weapon design, development, and manufacturing by the Islamic Republic of Iran.
(13) On September 27, 2018, Israel revealed the existence of a warehouse housing radioactive material in the Turquz Abad district in Tehran, and an inspection of the warehouse by the International Atomic Energy Agency detected radioactive particles, which the Government of the Islamic Republic of Iran failed to adequately explain.
(14) On July 4, 2019, an Iranian missile struck an Iraqi military base where members of the United States Armed Forces were stationed, resulting in 11 of such members being treated for injuries.
(15) On June 19, 2020, the International Atomic Energy Agency adopted Resolution GOJC (2020/2), which expressed concern that Iran has not provided access to the Agency under the Additional Protocol to two locations.
(16) On November 28, 2020, following the death of the head of the Organization of Defense Innovation and Research of the Islamic Republic of Iran, the Supreme Leader of the Islamic Republic of Iran ordered ‘‘to continue the martyr’s scientific and technological efforts in all the sectors where he was active’’ in the ‘‘nuclear and defense fields’’.
(17) In April 2021, the International Atomic Energy Agency verified that the Islamic Republic of Iran had begun to enrich uranium to 60 percent purity.
(18) On August 14, 2021, President of Iran Hassan Rouhani stated that ‘‘Iran’s Atomic Energy Organization can enrich uranium by 20 percent and 60 percent and if one day our reactors need it, it can enrich uranium to 90 percent purity’’.
(19) On September 9, 2021, the Islamic Republic of Iran completed Zolfaqhar-1400, a 3-day war game that included conventional weaponry, air defense, testing cruise missiles, torpedoes, and suicide drones in the Strait of Hormuz, the Gulf of Oman, the Red Sea, and the Indian Ocean.
(20) On December 23, 2021, the Islamic Republic of Iran commenced a 5-day drill in which it launched a number of short- and long-range ballistic missiles that it claimed could destroy Israel, constituting an escalation in the already genocidal rhetoric of the Islamic Republic of Iran toward Israel.
(21) On January 13, 2022, the head of the Islamic Revolutionary Guards Corps Aerospace Force claimed that the military launched a solid-fuel, mobile satellite launch rocket, with implications for development of an intercontinental ballistic missile.
(22) On January 24, 2022, Houthis rebels, backed by the Islamic Republic of Iran, fired 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts about 2,000 members of the Armed Forces of the United States.
(23) On January 31, 2022, surface-to-air interceptors of the United Arab Emirates shot down a Houthi missile fired at the United Arab Emirates during a visit by President of the United States.
(24) On February 9, 2022, the Islamic Republic of Iran unveiled a new surface-to-surface missile, named ‘‘Kheibar Shekan’’, which has a reported range of 900 miles (1450 kilometers) and is capable of penetrating missile shield.
(25) On March 13, 2022, the Islamic Republic of Iran launched 12 missiles into Erbil, Iraq, which struck near a consulate building of the United States.
(26) On April 17, 2022, the Islamic Republic of Iran confirmed the relocation of a production facility for advanced centrifuges from Iran to a location in the United Arab Emirates.
(27) On April 25, 2022, the Islamic Republic of Iran transferred for injuries.
(28) On May 30, 2022, the International Atomic Energy Agency released a report stating that ‘‘Iran’s Atomic Energy Organization has treated for injuries.’’
Iran turned off surveillance cameras in October 11, 2022 in the United States. The Islamic Republic of Iran manifested through the support of the international community in passing and implementing United Nations Security Council Resolutions on the Islamic Republic of Iran; intelligence agencies have compiled evidence of the intent of the Islamic Republic of Iran to advance a nuclear program, with evidence of a nuclear program prior to 2003; an Islamic Republic of Iran that possesses a nuclear weapons capability would be a serious threat to the national security of the United States, Israel, and other allies and partners; the Islamic Republic of Iran has been less than cooperative with international inspectors from the International Atomic Energy Agency and has obstructed their ability to inspect nuclear facilities across Iran; the nuclear activity of the Islamic Republic of Iran continues to advance missile programs, which are a threat to the national security of the United States, Israel, and other allies and partners; the Islamic Republic of Iran has engaged in unsafe and unprofessional maritime activity that threatens the movement of naval vessels of the United States and the free flow of commerce and strategic maritime chokepoints in the Middle East and North Africa; the Islamic Republic of Iran has delivered hundreds of armed drones to the Russian Federation, which will enable Vladimir Putin to continue the assault against Ukraine in direct opposition of the national interests of the United States; and the United States must—

(A) ensure that the Islamic Republic of Iran does not develop a nuclear weapons capability;

(B) protect against aggression from the Islamic Republic of Iran manifested through its missiles program; and—

(C) the regional and global terrorism of the Islamic Republic of Iran in a manner that minimizes the threat posed by state and non-state actors to the interests of the United States;

DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Select Committee on Intelligence of the Senate; and—

(B) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COMPREHENSIVE SAFEGUARDS AGREEMENT.—The term "Comprehensive Safeguards Agreement" means the Agreement between the Islamic Republic of Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973.

(3) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(4) TASK FORCE.—The term "task force" means the task force established under subsection (e).

(5) UNMANNED AIRCRAFT SYSTEM.—The term "unmanned aircraft system" has the meaning given the term in section 42801 of title 49, United States Code.

(e) ESTABLISHMENT OF INTERAGENCY TASK FORCE ON NUCLEAR FORCE AND ACTIVITY AND REGIONAL TERRORISM OF THE ISLAMIC REPUBLIC OF IRAN.—

(1) ESTABLISHMENT.—The Secretary of State shall establish a task force to coordinate and synthesize efforts by the United States Government regarding—

(A) nuclear activity of the Islamic Republic of Iran or its proxies; and—

(B) regional and global terrorism activity by the Islamic Republic of Iran or its proxies.

(2) COMPOSITION.—

(A) CHAIRPERSON.—The Secretary of State shall be the Chairperson of the task force.

(B) MEMBERSHIP.—(I) IN GENERAL.—The task force shall be composed of individuals, each of whom shall be an employee of and appointed to the task force by the head of one of the following agencies:

(I) The Department of State.

(II) The Office of the Director of National Intelligence.

(III) The Department of Defense.

(IV) The Department of Energy.

(V) The Central Intelligence Agency.

(ii) ADDITIONAL MEMBERS.—The Chairperson may appoint to the task force additional individuals from other Federal agencies, as the Chairperson considers necessary.

(3) SUNSET.—The task force shall terminate on December 31, 2028.

(f) ASSESSMENTS.—

(1) INTELLIGENCE ASSESSMENT ON NUCLEAR ACTIVITY.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and every 120 days thereafter until December 31, 2028, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment regarding any uranium enrichment, nuclear weapons development, delivery vehicle development, and associated engineering and research activities of the Islamic Republic of Iran.

(B) CONTENTS.—The assessment required by subparagraph (A) shall include—

(i) a description and location of current fuel cycle activities for the production of fissile material being undertaken by the Islamic Republic of Iran, including—

(aa) weapon design, including fissile, fission, nuclear miniaturization, and boosted and early nuclear weapon design; and—

(bb) high yield fission development; and—

(cc) design, development, acquisition, or use of computer models to simulate nuclear explosive devices;

(ii) research and development of reprocessing capabilities, including—

(aa) reprocessing of spent fuel; and—

(bb) extraction of medical isotopes from irradiated, commercial, or military nuclear reactors;

(iii) activities with respect to designing or constructing reactors, including—

(aa) the construction of heavy water reactors;

(bb) the manufacture or procurement of reactor components, including the intended application of such components; and—

(cc) the development of uranium or plutonium production capacity and annual recovery;

(bb) recovery processes and ore concentrate production capacity and annual recovery;

(cc) research and development with respect to the fabrication of reactor fuels, including the use of depleted, natural, and enriched uranium; and—

(V) activities with respect to—

(aa) producing or acquiring plutonium or uranium (or their alloys);

(bb) conducting research and development on plutonium or uranium (or their alloys);

(cc) uranium metal;

(dd) casting, forming, or machining plutonium or uranium; and—

(ii) with respect to any activity described in clause (i), a description, as applicable, of—

(I) the number and type of fuel assemblies used to enrich uranium and the operating status of such fuel assemblies; and—

(ii) the number and location of any enrichment or associated research and development facility used to engage in such activity;

(iii) the amount of heavy water, in metric tons, produced by such activity and the acquisition or manufacture of major reactor components, including, for the second and subsequent assessments, the amount produced since the last assessment;

(iv) the number and type of fuel assemblies produced by the Islamic Republic of Iran, including failed or rejected assemblies; and—

(V) the total amount of—

(aa) uranium—235 enriched to greater than 5 percent purity;

(bb) uranium—235 enriched to greater than 5 percent purity and not greater than 20 percent purity;

(cc) uranium—235 enriched to greater than 20 percent purity and not greater than 60 percent purity;

(dd) uranium—235 enriched to greater than 60 percent purity and not greater than 90 percent purity; and—

(ee) uranium—235 enriched greater than 90 percent purity;

(iii) a description of any weaponization plans and weapons development capabilities of the Islamic Republic of Iran, including—

(I) plans and capabilities with respect to—

(aa) weapon design, including fissile, fission, and boosted and early nuclear weapon design; and—

(bb) high yield fission development;

(cc) design, development, acquisition, or use of computer models to simulate nuclear explosive devices;

(dd) design, development, fabrication, acquisition, or use of explosively driven neutron sources or specialized materials for explosively driven neutron sources; and—

(ee) design, development, fabrication, acquisition, or use of precision machining and tooling that could enable the production of nuclear explosive device components;

(ii) the ability of the Islamic Republic of Iran to deploy a heavy water delivery vehicle capable of carrying a nuclear warhead;
(III) the estimated breakout time for the Islamic Republic of Iran to develop and deploy a nuclear weapon, including a crude nuclear weapon; and

(IV) the status and location of any research and development work site related to the preparation of an underground nuclear test;

(iv) an identification of any clandestine nuclear facilities;

(v) an assessment of whether the Islamic Republic of Iran maintains locations to store equipment, research archives, or other materials primarily used for a weapons program or that would be of use to a weapons program that the Islamic Republic of Iran has not declared to the International Atomic Energy Agency;

(vi) any diversion by the Islamic Republic of Iran of uranium, carbon-fiber, or other materials for use in an undeclared or clandestine nuclear weaponization program;

(vii) an assessment of activities related to developing or acquiring the capabilities for the production of nuclear weapons, conducted by the Islamic Revolutionary Guard Corps, the Organization of Defensive Innovation and Research, including an analysis of gaps in knowledge due to the lack of inspections and nontransparency of such facilities;

(viii) a description of activities between the Islamic Republic of Iran and other countries with respect to sharing information on nuclear weapons or activities related to weaponization;

(ix) with respect to any new ballistic, cruise, or hypersonic missiles being designed and tested by the Islamic Republic of Iran or any of its proxies, a description of—

(I) the type of missile;

(II) the range of such missiles;

(III) the capability of such missiles to deliver a nuclear warhead;

(IV) the number of such missiles; and

(V) any testing of such missiles;

(x) an assessment of whether the Islamic Republic of Iran or any of its proxies possesses any military equipment capable of delivering a nuclear weapon;

(xi) an assessment of whether the Islamic Republic of Iran or any of its proxies has deployed nuclear or other types of weapons that pose a threat to the national security of the United States, Israel, or other partners or allies; and

(xii) any other information that the task force determines is necessary to ensure a complete understanding of the capability of the Islamic Republic of Iran to develop and manufacture nuclear or other types of associated weapons systems.

(2) ASSESSMENT ON REGIONAL AND GLOBAL TERRORISM OF THE ISLAMIC REPUBLIC OF IRAN.

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter until December 31, 2028, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment regarding the regional and global terrorism of the Islamic Republic of Iran.

(B) CONTENTS.—The assessment required by subparagraph (A) shall include—

(i) a description of the lethal support of the Islamic Republic of Iran, including training, equipment, and associated intelligence support, to regional and global non-state terrorist groups and proxies;

(ii) a description of the lethal support of the Islamic Republic of Iran, including training and equipment, to state actors;

(iii) an assessment of financial support of the Islamic Republic of Iran to Middle Eastern non-state terrorist groups and proxies and associated Iranian revenue streams funding such support;

(iv) an assessment of the threat posed by the Islamic Republic of Iran and Iranian-supported groups to members of the Armed Forces, diplomats, and military and diplomatic facilities of United States throughout the Middle East and North Africa;

(v) a description of attacks by, or sponsored by, the Islamic Republic of Iran against members of the Armed Forces, diplomats, and military and diplomatic facilities of the United States and the associated response by the United States Government in the previous 120 days;

(vi) a description of attacks by, or sponsored by, the Islamic Republic of Iran against United States partners or allies and the associated response by the United States Government in the previous 120 days;

(vii) an assessment by the Islamic Republic of Iran into the elections and political processes of sovereign countries in the Middle East and North Africa in an effort to create conditions for or shape agendas more favorable to the policies of the Government of the Islamic Republic of Iran;

(viii) a description of any plots by the Islamic Republic of Iran or any of its proxies to gain the overthrow of the government of the United States and former and current United States officials;

(ix) a description of any plots by the Islamic Republic of Iran against United States citizens both abroad and within the United States; and

(x) a description of maritime activity of the Islamic Republic of Iran and associated impacts on the free flow of commerce and the national security interests of the United States.

(C) DIPLOMATIC STRATEGY TO ADDRESS IDENTIFIED NUCLEAR, BALLISTIC MISSILE, AND TERRORISM THREATS TO THE UNITED STATES.

(1) IN GENERAL.—Not later than 30 days after the submission of the initial assessment under subsection (A)(i), and annually thereafter until December 31, 2028, the Secretary of State shall submit to the appropriate congressional committees an updated diplomatic strategy submitted under paragraph (1) that reflects the current analytic judgment of the intelligence community, including reports or products produced in response to congressional mandate or requests from executive Branch.

(2) CONTENTS.—The diplomatic strategy required by paragraph (1) shall include—

(A) an assessment of whether the Islamic Republic of Iran—

(i) is in compliance with the Comprehensive Safeguards Agreement and modified Code 3.1 of the Subsidiary Arrangements to the Comprehensive Safeguards Agreement; and

(ii) has denied access to sites that the International Atomic Energy Agency has sought to inspect during previous 1-year periods;

(B) CONTENTS.—The assessment required by paragraph (1) shall include—

(i) a description of all dual-use items (as defined under section 730.3 of title 15, Code of Federal Regulations or listed on the List of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology issued by the Nuclear Security Group or any successor list) the Islamic Republic of Iran is using to further the nuclear weapon or missile program;

(C) a description of efforts of the United States to counter efforts of the Islamic Republic of Iran to project political and military influence into the Middle East;

(D) a description of efforts to address the Iranian threat to new or evolving uranium enrichment, nuclear weaponization, or missile development activities by the Islamic Republic of Iran pose to United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(E) a description of efforts to address the threat that terrorism by, or sponsored by, the Islamic Republic of Iran or any of its proxies pose to United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(F) a description of efforts to address the impact of the influence of the Islamic Republic of Iran on sovereign governments on the safety and security of United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(G) a description of a coordinated whole-of-government approach to use political, economic, and security related tools to address such activities; and

(H) a comprehensive plan for engaging with allies and regional partners in all relevant multilateral fora to address such activities.

(3) UPDATED DIPLOMATIC STRATEGY TO ADDRESS NUCLEAR, BALLISTIC MISSILE, AND TERRORISM THREATS TO THE UNITED STATES.

(1) IN GENERAL.—Not later than 15 days after the submission of a notification to Congress that there has been a significant development in the nuclear, ballistic missile, and nuclear weapon delivery systems capability of the Islamic Republic of Iran, the Secretary of State shall submit to the appropriate congressional committees an updated to the most recent diplomatic strategy submitted under paragraph (1).

TITLE LXVI—CYBERSPACE-RELATED MATTERS

SEC. 6601. ADDITIONAL AMOUNT FOR CYBER PARTNERSHIP ACTIVITIES.

(a) ADDITIONAL AMOUNT.—Of the amount appropriated to be appropriated under this Act for United States Air Force, the amount available for cyber partnership activities (PE-0203059F) is hereby increased by $500,000, with the amount of such increase to be used to support additional travel and workload to achieve an initial intent of expanded Jordanian engagement.

(b) OFFSET.—Of the amount authorized to be appropriated under this Act for United States Army, the amount available for the SHARKCAGE program (PE-0305140N) is hereby reduced by $500,000.
TITLE LXXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS

SEC. 7801. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF CERTAIN PROVISIONS INTENDED TO IMPROVE THE EXPERIENCE OF RESIDENTS OF PRIVATELY OWNED MILITARY HOUSING

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an independent assessment of the implementation, by the Department of Defense of sections 2890, 2891(c), and 2894(c) of title 10, United States Code.

(2) ELEMENTS.—The assessment required under paragraph (1) shall include—

(A) a summary and evaluation of the analysis and information provided to residents of privatiized housing regarding the assessment of performance indicators pursuant to section 2890(c)(6) of title 10, United States Code, and the extent to which residents have requested such an assessment;

(B) a summary of the extent to which the Department collects and uses data on whether members of the Armed Forces and their families residing in Department-privatised military housing, including family and unaccompanied housing, have exercised the rights afforded in the Military Housing Privatization Initiative Tenant Bill of Rights under subsection (a) of section 2890 of title 10, United States Code, to include the rights specified under paragraphs (8), (12), (13), (14), and (15) of subsection (a) and an evaluation of the implementation by each military department of such section;

(C) an evaluation of the implementation by each military department of section 2891(c) of title 10, United States Code, including, with regard to paragraph (5) of such section—

(i) the number of requests that have been resolved favorably; and

(ii) the number of requests that have been resolved in compliance within the required time period; and

(D) such other matters as the Comptroller General considers necessary.

(b) BRIEFING AND REPORT—

(1) BRIEFING.—Not later than March 31, 2022, the Comptroller General shall provide to the Committees on Armed Services of the Senate and the House of Representatives an interim briefing on the assessment conducted under subsection (a).

(2) REPORT.—Not later than one year after the date of 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 assessment conducted under subsection (a).

(c) PRIVATIZED MILITARY HOUSING,DENOMINATION.—In this section, the term ‘‘privatized military housing’’ means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

SEC. 7802. LAND CONVEYANCE, STARKVILLE, MISSISSIPPI

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army (in this section referred to as the ‘‘Secretary’’) may convey to the City of Starkville, Mississippi (in this section referred to as the ‘‘City’’), all right, title, and interest in and to the property, consisting of approximately 5.26 acres located at 343 Highway 12, Starkville, Mississippi 38959, to be used for economic development purposes.

(b) 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.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary 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. 7803. LAND CONVEYANCE, LEWES, DELAWARE

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army (in this section referred to as the ‘‘Secretary’’) may convey, without consideration, to the City of Lewes, Delaware (in this section referred to as the ‘‘City’’), all right, title, and interest in and to the property, consisting of approximately 5.26 acres located at 1137 Savannah Road, Lewes, Delaware 19958, for the purpose of housing a new municipal campus for Lewes City Hall, a police station, and a board of public works.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines, at any time that the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, may, at the option of the Secretary, revert to and become the property of the United States, and the United States may have the right of immediate entry onto such property.

(2) DETERMINATION.—A determination by the Secretary under paragraph (1) may be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT AUTHORIZED.—

(A) IN GENERAL.—The Secretary may require the City 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.

(B) REIMBURSEMENT.—If amounts are collected from the City under subparagraph (A) 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), the Secretary may 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, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) may be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary 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.

TITLE LXXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 801. PLAN TO ACCELERATE RESTORATION OF DOMESTIC URANIUM ENRICHMENT

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States is engaged in a period of intense strategic competition with 2 peer adversaries, each of which aims to develop nuclear forces superior to the nuclear forces possessed by the United States; and

(2) successfully deterring the aims of such adversaries and preserving the national security of the United States requires that the United States maintain a capable, credible nuclear force, including the capability to produce the materials needed to manufacture nuclear weapons and provide reliable sources of energy for naval vessels and military facilities; and

(b) REVISIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines, at any time that the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, may, at the option of the Secretary, revert to and become the property of the United States, and the United States may have the right of immediate entry onto such property.

(2) DETERMINATION.—A determination by the Secretary under paragraph (1) may be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT AUTHORIZED.—

(A) IN GENERAL.—The Secretary may require the City 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.

(B) REIMBURSEMENT.—If amounts are collected from the City under subparagraph (A) 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), the Secretary may 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) may be credited to the fund or account that was used to cover the costs incurred by the Secretary, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) may be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary 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.
(3) a key component to achieving those
goals is the restoration of the domestic ura-
nium enrichment capability of the United States, a component that will allow the
United States to make significant strides to-
toward improved energy independence by re-
ducing reliance on international sources of
enriched uranium and opening up tremen-
dous opportunities for improving the com-
petitiveness of the United States in the
international energy economy.
(b) Definition.—The plan required by para-
graph (1) shall include the following ele-
ments:
(A) Recommendations restore unobligated
uranium production, conversion, and enrich-
ment capabilities, including production of
high-enriched uranium—
(i) to refurbish the nuclear weapons stock-
pile of the United States over a period of not
more than 30 years;
(ii) to satisfy the annual requirements of
the United States for naval reactor fuel, in-
cluding satisfying fuel requirements for all submarines developed
using reactor designs and technology of the
United States; and
(iii) to satisfy the annual requirements of
the United States for defense nuclear power
reactors.
(B) Recommendations to improve the pro-
duction capacity of unobligated low-enriched uranium needed to satisfy annual tritium
production requirements for the nuclear weapons stockpile of the United States and
associated research and development objec-
tives.
(C) Such other recommendations and infor-
mation as the Secretary of Defense or the
Administrator for Nuclear Security consider
appropriate.
SEC. 8102. ASSESSMENT OF READINESS AND SUR-VIVABILITY OF STRATEGIC FORCES
OF THE UNITED STATES.
Not later than 180 days after the date of
the enactment of this Act, the Secretary of
Defense, in coordination with the Chair-
man of the Joint Chiefs of Staff and the
Commander of the United States Strategic
Command, shall submit to the congressional de-
fense committees a report on the readiness
and survivability of the strategic forces of
the United States, including recommenda-
tions for improving such readiness and sur-
vivability.
SEC. 8103. U.S. NUCLEAR FUELS SECURITY INITIA-
TIVE.
(a) Sense of Congress.—It is the sense of
Congress that—
(1) the Department should—
(A) prioritize activities to increase domes-
tic production of high-enriched uranium;
(B) accelerate efforts to establish a domes-
tic high-assay, low-enriched uranium enrich-
ment capable, and;
(C) achieve sustained high-assay, low-enriched uranium production that will not be com-
mercially available at the scale needed in time
to meet the needs of the advanced nuclear
reactor demonstration projects of the De-
partment, the Secretary shall consider and
implement, as necessary—
(i) all viable options to make high-assay,
low-enriched uranium produced from inven-
tories owned by the Department available in
a manner that is sufficient to maximize the
potential for the Department to meet the
needs and schedules of advanced nuclear re-
actor developers, without impacting existing
Department missions, until such time that
commercial enrichment and deconversion ca-
2001(d) of the Energy Act of 2020 (42 U.S.C.
12314(d)).
(7) LOW-ENRICHED URANIUM; LEU.—The term
"low-enriched uranium" or "LEU" means
each of—
(A) low-enriched uranium (as defined in
section 3102 of the USEC Privatization Act
(42 U.S.C. 2297h)); and
(B) low-enriched uranium (as defined in
section 3112(a) of that Act (42 U.S.C. 2297h-
18(a))).
(8) PROGRAMS.—The term "programs" means—
(A) the Nuclear Fuel Security Program
established under subsection (d)(1);
(B) the American Assured Fuel Supply Pro-
gram of the Department to ensure diverse
uranium mining, conversion, enrichment,
decision, and reduction capacity deployed in the
United States over a period of not
more than 30 years;
(B) to satisfy gaps and deficiencies in the
domestic commercial production, enrich-
ment, deconversion, and reduction of ura-
nium by partnering with countries that are
allies or partners of the United States if
domestic options are not practicable;
(C) to ensure that, in the event of a supply
disruption in the nuclear fuel market, a re-
serve of HALEU is available to serve as a
backup supply to support the nuclear non-
proliferation and civil nuclear energy objec-
tives of the Department;
(6) to support enrichment, deconversion,
and reduction technology deployed in the
United States; and
to the Nuclear Fuel Security Program", to in-
crease the quantity of LEU and HALEU pro-
duced by U.S. nuclear energy companies;
(C) the HALEU for Advanced Nuclear Reac-
tor Demonstration Projects Program estab-
lished under subsection (d)(3);
(D) to establish a program, to be known as the
"Nuclear Fuel Security Program", to in-
crease the quantity of LEU and HALEU pro-
duced by U.S. nuclear energy companies;
(3) to establish a program, to be known as the
"HALEU for Advanced Nuclear Reactor
Demonstration Projects Program"—
(B) where practicable, to partner with
countries that are allies or partners of the
United States to meet those needs and sched-
ules until that time.
(b) OBJECTIVES.—The objectives of this sec-
tion are—
(1) to expeditiously increase domestic pro-
duction of high-enriched uranium;
(2) to expeditiously increase domestic pro-
duction of high-assay, low-enriched uranium
by an annual quantity, and in such form, de-
termined by the Secretary to be sufficient to
meet the needs of—
(A) advanced nuclear reactor developers; and
(b) the consortium;
(3) to ensure the availability of domesti-
cally produced, converted, and enriched ura-
nium in a quantity determined by the Sec-
cretary, in consultation with U.S. nuclear
energy companies, to be sufficient to address
reasonably anticipated supply disruption
(4) to address gaps and deficiencies in the
domestic commercial production, enrich-
ment, deconversion, and reduction of ura-
nium by partnering with countries that are
allies or partners of the United States if
domestic options are not practicable;
(2) ELEMENTS.—The plan required by para-
graph 2001(a)(2)(F) of the Energy Act of
(2) ASSOCIATED ENTITY.—The term "associ-
ated entity" means an alien who is a
member of the family of a person who
sociated individual'' means an alien who is a
member of the family of a person who
sociated individuals established under sec-
tion 3102 of the USEC Privatization Act
(42 U.S.C. 2297h)); and
(9) SECRETARY.—The term "Secretary" means the
Secretary of Energy.
(10) U.S. NUCLEAR ENERGY COMPANY.—The term
"U.S. nuclear energy company" means a pro-
ject that is organized under the laws of,
or otherwise subject to the jurisdiction of,
the United States; and
(ii) not later than 180 days after the date of
enactment of this Act, enter into 2 or more
contracts to begin acquiring not less than
100 metric tons per year of LEU by December
31, 2026 (or the earliest operationally feasible
date thereafter), to ensure diverse domestic
uranium mining, conversion, enrichment,
decision, and reduction capacity and
infrastructures, including new capacity, among
U.S. nuclear energy companies;
(ii) not later than 180 days after the date of
enactment of this Act, enter into 2 or more
contracts with members of the consortium to
begin acquiring not less than 20 metric
2026 (or the earliest operationally feasible date
thereafter); from U.S. nuclear energy compa-
ies;
(iii) utilize only uranium produced, con-
verted, and enriched in—
(I) the United States; or
(ii) low-enriched uranium options are not practicable, a
country that is an ally or partner of the
United States; and
2001(d) of the Energy Act of 2020 (42 U.S.C.
12314(d)).
(7) LOW-ENRICHED URANIUM; LEU.—The term
"low-enriched uranium" or "LEU" means
each of—
(A) low-enriched uranium (as defined in
section 3102 of the USEC Privatization Act
(42 U.S.C. 2297h)); and
(B) low-enriched uranium (as defined in
section 3112(a) of that Act (42 U.S.C. 2297h-
18(a))).
(8) PROGRAMS.—The term "programs" means—
(A) the Nuclear Fuel Security Program
established under subsection (d)(1);
(B) the American Assured Fuel Supply Pro-
gram of the Department to ensure diverse
uranium mining, conversion, enrichment,
decision, and reduction capacity deployed in the
United States over a period of not
more than 30 years;
(B) to satisfy gaps and deficiencies in the
domestic commercial production, enrich-
ment, deconversion, and reduction of ura-
nium by partnering with countries that are
allies or partners of the United States if
domestic options are not practicable;
(5) to ensure that, in the event of a supply
3112(a) of that Act (42 U.S.C. 2297h-
18(a)).
(8) PROGRAMS.—The term "programs" means—
(A) the Nuclear Fuel Security Program
established under subsection (d)(1);
(B) the American Assured Fuel Supply Pro-
gram of the Department to ensure diverse
uranium mining, conversion, enrichment,
decision, and reduction capacity deployed in the
United States over a period of not
more than 30 years;
(B) to satisfy gaps and deficiencies in the
domestic commercial production, enrich-
ment, deconversion, and reduction of ura-
nium by partnering with countries that are
allies or partners of the United States if
domestic options are not practicable;
(5) to ensure that, in the event of a supply
3112(a) of that Act (42 U.S.C. 2297h-
18(a)).
(8) PROGRAMS.—The term "programs" means—
(A) the Nuclear Fuel Security Program
established under subsection (d)(1);
(B) the American Assured Fuel Supply Pro-
gram of the Department to ensure diverse
uranium mining, conversion, enrichment,
decision, and reduction capacity deployed in the
United States over a period of not
more than 30 years;
(iv) to the maximum extent practicable, ensure that the use of domestic uranium utilized as a result of that program does not negatively affect the economic operation of nuclear facilities for national security; and
(B)(i) may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—
(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or
(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (i)(2)(B); and
(ii) make a commitment described in clause (i) only—
(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and
(II) if the extent of that up-front obligation recorded in full at that time.
(2) CONSIDERATIONS.—In carrying out paragraph (1)(A)(ii), the Secretary shall consider and, if applicable—
(A) options to ensure the quickest availability of commercially enriched HALEU, including—
(i) partnerships between 2 or more commercial enrichers; and
(ii) utilization of up to 10-percent enriched uranium as feedstock in demonstration-scale or commercial HALEU enrichment facilities;
(B) options to partner with countries that are allies or partners of the United States to provide HALEU and HALEU for commercial purposes;
(C) options that provide for an array of HALEU—
(i) enrichment levels;
(ii) output levels to meet demand; and
(iii) fuel forms, including uranium metal and oxide; and
(D) options—
(i) to replenish, as necessary, Department stockpiles of uranium that was intended to be downsold for other purposes, but was instead sold in uranium activities under the HALEU for Advanced Nuclear Reactor Demonstration Projects Program;
(ii) to continue supplying HALEU to meet the needs of recipients of an award made pursuant to the funding opportunity announcement of the Department numbered DE-F0A-0022751 for Pathway 1, Advanced Reactor Demonstrations; and
(iii) to make HALEU available to other advanced nuclear reactor developers and other end-users;
(3) AVOIDANCE OF MARKET DISRUPTIONS.—In carrying out the Nuclear Fuel Security Program, the Secretary, to the extent practicable and consistent with the purposes of that program, shall not disrupt or replace market mechanisms by competing with U.S. nuclear energy companies.
(4) EXPANSION OF THE AMERICAN ASSURED FUEL SUPPLY PROGRAM.—The Secretary, in consultation with U.S. nuclear energy companies, shall—
(1) expand the American Assured Fuel Supply Program of the Department by merging the operations of the Uranium Reserve Program of the Department with the American Assured Fuel Supply Program; and
(2) in carrying out the American Assured Fuel Supply Program of the Department, as expanded under paragraph (1)—
(A) to diversify, or increase the quantity of uranium made available by that program in a manner determined by the Secretary to be consistent with the purposes of that program and the objectives described in subsection (b); (B) utilize only uranium produced, converted, or fabricated by—
(i) the United States; or
(ii) if domestic options are not practicable, a country that is an ally or partner of the United States;
(C) make uranium available from the American Assured Fuel Supply, subject to terms and conditions determined by the Secretary to be reasonable and appropriate;
(D) refill and expand the supply of uranium in the American Assured Fuel Supply, including the reserve of uranium to address a potential event in which a domestic or foreign recipient of uranium experiences a supply disruption for which uranium cannot be obtained through normal market mechanisms or under normal market conditions; and
(E) take other actions that the Secretary determines to be necessary or appropriate to address the purposes of that program and the objectives described in subsection (b).
(g) HALEU FOR ADVANCED NUCLEAR REACTOR DEMONSTRATION PROGRAM. (1) ACTIVITIES.—On enactment of this Act, the Secretary shall immediately accelerate and, as necessary, such activities to make available—
(A) from inventories—
(i) uranium that can meet the needs of advanced nuclear reactor developers after reprocessing or fabrication and, as necessary, initiating activities to make additional HALEU to be made available to other advanced nuclear reactor developers, as the Secretary determines to be appropriate;
(ii) if domestic options are not practicable, uranium produced, converted, or fabricated by the United States; or
(iii) uranium that can meet the needs of advanced nuclear reactor developers after reprocessing or fabrication and, as necessary, initiating activities to make additional HALEU to be made available to other advanced nuclear reactor developers, as the Secretary determines to be appropriate;
(B) options for accelerating the availability of HALEU from the Department's fuel stockpile, which can be blended with lower uranium to become HALEU to meet the needs of advanced nuclear reactor developers; and
(C) uranium from stockpiles intended for other purposes (excluding stockpiles in connection with national security) for which uranium could be swapped or replaced in time in such a manner that would not negatively impact the missions of the Department.
(2) CERTAIN SERVICES.—In carrying out activities under this subsection, the Secretary—
(i) may not make commitments under this subsection, including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—
(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or
(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (i)(2)(B); and
(ii) may make a commitment described in clause (i) only—
(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and
(II) if the extent of that up-front obligation recorded in full at that time.
(3) FACTORS FOR CONSIDERATION.—In carrying out activities under this subsection, the Secretary shall consider and implement, as necessary, all viable options to make HALEU available in quantities sufficient to—
(A) by September 30, 2024, not less than 3 metric tons of HALEU; and
(B) by December 31, 2025, not less than an additional 10 metric tons of HALEU; and
(C) by June 30, 2026, not less than an additional 10 metric tons of HALEU.
(4) LIMITATIONS.— (A) CERTAIN SERVICES.—The Secretary shall not sell or otherwise barter or transfer uranium in any form in exchange for services relating to—
(i) the final disposition of radioactive waste from uranium that is the subject of a contract for sale, resale, transfer, or lease under this subsection; or
(ii) environmental cleanup activities.
(B) CERTAIN COMMITMENTS.—In carrying out activities under this subsection, the Secretary—
(i) may not make commitments under this subsection, including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment for the purchase or other acquisition of HALEU or LEU unless—
(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or
(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (i)(2)(B); and
(ii) may make a commitment described in clause (i) only—
(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and
(II) to the extent of that up-front obligation recorded in full at that time.
(C) DOMESTIC SOURCING CONSIDERATIONS.—(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may only carry out activities under this Section in connection with 1 or more of the Programs if—
(A) the activity produces materials in the United States associated with uranium nuclear criticality chains; or
(B) the activity relies on resources, materials, or equipment developed or produced—
(I) in the United States; or  
(ii) in a country that is an ally or partner of the United States by—  
(1) the government of that country;  
(II) an associated country; or  
(III) a U.S. nuclear energy company.  
(2) Waiver.—The Secretary may waive the requirements of paragraph (1) with respect to an acceptable waiver that results in—  
(i) the Secretary determines a waiver to be necessary to achieve 1 or more of the objectives described in subsection (b).  
(3) Reasonable Compensation.—  
(1) In General.—In carrying out activities under this section, the Secretary shall ensure that any LEU and HALEU made available by the Secretary under 1 or more of the Programs is subject to reasonable compensation, taking into account the fair market value of the LEU or HALEU and the purposes of this section.  
(2) Availability of Certain Funds.—  
(A) In General.—Notwithstanding section 3302(b) of title 31, United States Code, revenues received by the Secretary from the sale or transfer of fuel feed material acquired by the Secretary pursuant to a contract entered into under clause (i) or (ii) of subsection (e)(1)(A) shall—  
(i) be deposited in the account described in subparagraph (B);  
(ii) be available to the Secretary for carrying out the purposes of this section, to reduce or otherwise decrease appropriations for those purposes; and  
(iii) remain available until expended.  
(B) Revolving Fund.—There is established in the Treasury an account into which the revenues described in subparagraph (A) shall be—  
(i) deposited in accordance with clause (i) of that subparagraph; and  
(ii) made available in accordance with clauses (ii) and (iii) of that subparagraph.  
(4) Nuclear Regulatory Commission.—The Nuclear Regulatory Commission shall, in accordance with procedures established by the Secretary of Energy, authorize, subject to the condition that the material made available shall not include material that the Secretary determines to be necessary for the National Nuclear Security Administration or any critical mission of the Department.  
(m) International Agreements.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.  
(n) Authorization of Appropriations.—In addition to amounts otherwise available, there are authorized to be appropriated to the Secretary—  
(1) for the Nuclear Fuel Security Program, $3,500,000,000 for fiscal year 2023, to remain available until September 30, 2031.  
(2) for the Advanced Nuclear Reactor Demonstration Projects Program; and  
(3) for the American Assured Fuel Supply Program of the Department, as expanded under this section, such sums as are necessary for the purposes of fiscal years 2020 through 2030, to remain available until September 30, 2031.
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Sec. 507. Technical correction regarding Federal policy on sharing of covered insider threat information.

Sec. 508. Establishing process parity for adverse security clearance and access determinations.

Sec. 509. Elimination of cost on compensatory damages for retaliatory revocation of security clearances and access determinations.

Sec. 510. Comptroller General of the United States report on use of Government and industry space to develop countermeasures to sensitive compartmented information facilities.

TITLE VI—INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

Sec. 601. Submittal of complaints and information by whistleblowers in the intelligence community to Congress.

Sec. 602. Modification of whistleblower protections for contractor employees in intelligence community.

Sec. 603. Prohibition against disclosure of whistleblower identity as required to determine if whistleblower disclosure by employees and contractors in intelligence community.

Sec. 604. Definitions regarding whistleblower complaints and information of urgent concern received by the Director general of the intelligence community.

TITLE VII—OTHER MATTERS

Sec. 701. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.

Sec. 702. Modification of requirement for office to address unidentified aerospace-undersea phenomena reporting procedures.

Sec. 703. Unidentified aerospace-undersea phenomena reporting procedures.

Sec. 704. Comptroller General of the United States compilation of unidentified aerospace-undersea phenomena records.

Sec. 705. Office of Global Competition Analysis.

Sec. 706. Report on tracking and collecting precursor chemicals used in the production of synthetic opioids.

Sec. 707. Assessment and report on mass migration in the Western Hemisphere.

Sec. 708. Notifications regarding transfers of detainees at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 709. Report on international norms, rules, and principles applicable to countermeasures.

Sec. 710. Assessments of the effects of sanctions imposed with respect to the Russian Federation’s invasion of Ukraine.

Sec. 711. Assessments and briefings on implications of food insecurity that may result from the Russian Federation’s invasion of Ukraine.

Sec. 712. Pilot program for Director of Federal Bureau of Investigation to undertake an effort to identify International Mobile Subscriber Identity-catchers and other countermeasures.

Sec. 713. Department of State Bureau of Intelligence and Research assessment of anomalous health incidents.

SEC. 2. DEFINITIONS. In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEE.—The term ‘‘congressional intelligence committees’’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 403a).

(2) INTELLIGENCE COMMUNITY.—The term ‘‘intelligence community’’ has the meaning given such term in such section.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(1) CONGRESSIONAL INTELLIGENCE COMMITTEE.—The term ‘‘congressional intelligence committees’’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 403a).

(2) INTELLIGENCE COMMUNITY.—The term ‘‘intelligence community’’ has the meaning given such term in such section.

SEC. 202. PROHIBITION ON EMPLOYMENT WITH GOVERNMENTS OF CERTAIN COUNTRIES.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by inserting after section 304 the following:

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. MODIFICATION OF ADVISORY BOARD IN NATIONAL RECONNAISSANCE OFFICE.

Section 106(a)(d) of the National Security Act of 1947 (50 U.S.C. 3014(a)(d)) is amended—

(1) in paragraph (3)(A)(i), by inserting ‘‘, in consultation with the Director of National Intelligence and the Secretary of Defense,’’ after ‘‘Director’’;

(2) in paragraph (7), by striking ‘‘the date that is 3 years after the date of the first meeting of the Board’’ and inserting ‘‘September 30, 2024’’;

SEC. 302. PROHIBITION ON EMPLOYMENT WITH GOVERNMENTS OF CERTAIN COUNTRIES.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by inserting after section 304 the following:

“SEC. 305. PROHIBITION ON EMPLOYMENT WITH GOVERNMENTS OF CERTAIN COUNTRIES.

“(a) DEFINITIONS.—In this section:

“(1) COVERED EMPLOYEE.—The term ‘covered employee’, with respect to an employee occupying a position in the intelligence community, means an officer or official of an element of the intelligence community, a contractor of such an element, a detainee or other element, or a member of the Armed Forces assigned to such an element that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.

“(2) FORMER COVERED EMPLOYEE.—The term ‘former covered employee’ means an individual who was a covered employee on or after the date of enactment of the American Security Drone Act of 2022 and is no longer a covered employee.

“(3) STATE SPONSOR OF TERRORISM.—The term ‘state sponsor of terrorism’ means a country the government of which the Secretary of State has repeatedly provided support for international terrorism pursuant to—

“(A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A));

“(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

“(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

“(D) any other provision of law.

“(b) PROHIBITION ON EMPLOYMENT AND SERVICES.—No former covered employee may provide services relating to national security, intelligence, the military, or internal security to—

“(1) the government of a country that is a state sponsor of terrorism, as defined in the Crimea Republic of China, or the Russian Federation;

“(2) a person or entity that is directed and controlled by a government described in paragraph (1);

“(C) TRAINING AND WRITTEN NOTICE.—The head of each element of the intelligence community shall—

“(1) regularly provide to the covered employees of the element training on the prohibition in subsection (b); and

“(2) provide to each covered employee of the element before that employee becomes a former covered employee written notice of the prohibition in subsection (b).

“(c) LIMITATION ON ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—A former covered employee who knowingly and willfully violates subsection (b) shall not be considered eligible to access classified information (as defined in the procedures established pursuant to section 801(a) of this Act (50 U.S.C. 3515(a))) by any element of the intelligence community.

“(d) CRIMINAL PENALTIES.—A former employee who knowingly and willfully violates subsection (b) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

“(f) APPLICATION.—Nothing in this section shall apply to—

“(1) a former covered employee who continues to provide services described in subsection (b) that the former covered employee
first began to provide before the date of the enactment of the American Security Drone Act of 2022;

(2) a former covered employee who, on or after the date of enactment of the American Security Drone Act of 2022, provides services described in subsection (b) to a person or entity that is directed and controlled by a government described in subsection (a); or

(3) a former covered employee who, on or after the date of enactment of the American Security Drone Act of 2022, provides services described in subsection (b) to—

(A) a government that was designated as a state sponsor of terrorism after the date on which such former covered employee first began to provide such services;

(B) a person or entity directed and controlled by a government described in subparagraph (A); or

(C) an entity that has been designated as a state sponsor of terrorism after the date on which such former covered employee first began to provide such services;

(4) a former covered employee who, on or after the date of enactment of the American Security Drone Act of 2022, provides services described in subsection (b) to—

(A) a government that was designated as a state sponsor of terrorism after the date on which such former covered employee first began to provide such services; or

(B) a person or entity directed and controlled by a government described in subparagraph (A).''.

OF GRANT.—The head of an element of the intelligence community may not award a grant by an element of the intelligence community to—

(1) a person or entity that—

(A) has violated any provision of law; or

(B) has been found by the Director to engage in conduct that—

(i) misappropriated United States intellectual property, research and development, and innovation efforts; or

(ii) other threats from foreign governments and other entities.

ANNUAL REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an annual report identifying the following for the one-year period ending on March 31:

(1) the number of applications for grants received by each element of the intelligence community;

(2) the number of such applications that were reviewed for each element of the intelligence community, using the process established under subsection (b);

(3) the applications that were denied and the reasons for such denials for each element of the intelligence community.

APPLICABILITY.—Subsections (a) and (b) shall apply only with respect to grants awarded by an element of the intelligence community after the date of the enactment of this Act.

SECTION 304. EXTENSION OF CENTRAL INTELLIGENCE AGENCY LAW ENFORCEMENT JURISDICTION TO FACILITIES OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 1801 of title 10, United States Code (50 U.S.C. 3501a), is amended—

(1) in paragraph (1)—

(A) by striking "an element of the intelligence community", and inserting "the Office of the Director of National Intelligence ("ODNI")";

(B) by striking "or elements of the intelligence community", and inserting "or ODNI";

(C) by striking "in subparagraph (C)"; and

(2) in paragraph (2), by striking "in subparagraph (C)"; and

(b) CONFORMING AMENDMENT.—Section 5(a)(4) of such Act (50 U.S.C. 3506(a)(4)) is amended by striking "in subparagraph (A) or (C)" and inserting "in subparagraph (A), (C), or (D)".

SECTION 305. CLARIFICATION REGARDING PROTECTIONS OF CENTRAL INTELLIGENCE AGENCY FUNCTIONS.

(a) DEFINITION.—(1) The term "Central Intelligence Agency Functions" means—

(A) the functions of the Central Intelligence Agency; and

(B) any functions of the Central Intelligence Agency that the Director determines are essential to the mission of the Central Intelligence Agency.

(2) For purposes of this section—

(A) paragraph (1) applies to Central Intelligence Agency Functions that—

(i) are essential to the mission of the Central Intelligence Agency; and

(ii) are not functions of a department of the intelligence community;

(B) paragraph (1) does not apply to Central Intelligence Agency Functions that—

(i) are functions of an element of the intelligence community; and

(ii) are essential to the mission of the intelligence community.

(3) Any other reference in law or regulation to the Central Intelligence Agency Functions shall be read as referring to the activities of the Central Intelligence Agency.

SECTION 306. ESTABLISHMENT OF ADVISORY BOARD FOR NATIONAL GEOGRAPHIC-SPATIAL INTELLIGENCE AGENCY.

(a) Establishment.—There are established in the National Geospatial-Intelligence Agency an advisory board (in this section referred to as the "Board").

(b) Membership.—The Board shall—

(1) study matters relating to the mission of the National Geospatial-Intelligence Agency, including with respect to integration of commercial capabilities, promoting innovation, advice on next generation tasking, collection, processing, exploitation, and dissemination capabilities, strategic functional management, acquisition, and such other matters as the Director of the National Geospatial-Intelligence Agency considers appropriate; and

(2) advise and report directly to the Director with respect to such matters.

(c) MEMBERS.—

(1) NUMBER AND APPOINTMENT.—(A) IN GENERAL.—The Board shall be composed of 6 members appointed by the Director from among individuals with demonstrated experience in national security, academic, or other expertise relevant to the mission and functions of the Agency.

(B) NOTICE.—Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) of such appointment.

(2) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this Act, the Director shall appoint the initial 6 members to the Board.

(3) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall serve only for the remainder of that term.

(4) CHAIR.—The Board shall have a Chair, who shall be appointed by the Director from among the members.

(5) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable rates prescribed by law applicable to an officer or employee of the United States that the Comptroller General of the United States shall submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code).

(6) EXECUTIVE SECRETARY.—The Board may appoint an executive secretary, who shall be an employee of the Agency, to support the Board.

(d) MEETINGS.—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

(e) REPORTS.—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the significant findings of the Board during the preceding year.

(f) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(g) TERMINATION.—The Board shall terminate on the date that is 3 years after the date of the first meeting of the Board.

SECTION 307. ANNUAL REPORTS ON STATUS OF RECOMMENDATIONS OF COMPTROLLER GENERAL OF THE UNITED STATES FOR THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) DEFINITION OF OPEN RECOMMENDATIONS.—In this section, the term "open recommendations" refers to recommendations of the Comptroller General of the United States that the Comptroller General has not yet designated as closed.

(b) ANNUAL LIST OF RECOMMENDATIONS.—Not later than October 31, 2023, and each October 31 thereafter through 2025, the Comptroller General of the United States shall submit to the congressional intelligence committees and the Director of National Intelligence a list of all open recommendations made to the Director,
disaggregated by report number and recommendation number.

(c) ANNUAL REPORTS BY DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 120 days after the date on which the Director receives a list under subsection (b), the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the House of Representatives, and the Comptroller General a report on the actions taken by the Director and actions the Director intends to take, alone or in coordination with the heads of other Federal agencies, in response to each open recommendation identified in the list, including open recommendations the Director considers closed and recommendations the Director determines do not require further action, as well as the basis for that determination.

SEC. 308. TIMELY SUBMISSION OF BUDGET DOCUMENTS FROM INTELLIGENCE COMMUNITY.

Not later than 5 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105(a) of the United States Code, the Director of National Intelligence shall submit to Congress the supporting information under such section for each element of the intelligence community for that fiscal year.

SEC. 309. COPYRIGHT PROTECTION FOR CIVILIAN FACULTY OF THE NATIONAL INTELLIGENCE UNIVERSITY.

Section 108(h) of title 17, United States Code, is amended—

(1) by redesignating the second subsection (c) as subsection (d);
(2) by striking subsection (c) and inserting the following:

"(c) USE BY FEDERAL GOVERNMENT.—With respect to a covered author who produces a covered work in the course of employment at a covered institution described in subparagraph (A) through (L) of subsection (d)(2), the Secretary of Defense may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

(2) DEFINITION OF NATIONAL INTELLIGENCE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at a covered institution described in subparagraph (A) through (L) of subsection (d)(2), the Director of National Intelligence may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

(3) DEFINITION OF COVERED WORK.—(A) The term "covered work" means any work, such as a software or a database, that is produced, owned, or operated by the intelligence community that own or operate a national security system.

(B) The term "national security system" means the national security system described in subparagraph (A) through (L) of subsection (d)(2).

(4) REQUIREMENT TO ESTABLISH CYBERSECURITY STANDARDS FOR NATIONAL SECURITY SYSTEMS.—The Director of National Intelligence shall, in coordination with the National Manager for National Security Systems, establish minimum cybersecurity requirements that shall apply to all national security systems operated by, on the behalf of, or under a law administered by the head of an element of the intelligence community that owns or operates a national security system.

(5) IMPLEMENTATION OF CYBERSECURITY REQUIREMENTS.—The requirements established under paragraph (2) shall be implemented by the head of an element of the intelligence community that owns or operates a national security system within 2 years of the date of enactment of this Act.

(6) MAINTENANCE OF REQUIREMENTS.—Not less frequently than once every 2 years, the Director shall reevaluate and update the cybersecurity requirements established under paragraph (2).

(e) RESOURCES.—The head of each element of the intelligence community that owns or operates a national security system shall update plans of the element to prioritize resources in such a manner as to fully implement the cybersecurity requirements established under paragraph (2).
SEC. 314. REVIEW AND REPORT ON INTELLIGENCE COMMUNITY ACTIVITIES UNDER EXECUTIVE ORDER 12333. (a) REVIEW AND REPORT REQUIRED.—No later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review to ascertain the feasibility and advisability of compiling and making public information relating to activities of the intelligence community under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities); and

(2) submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the findings of the Director with respect to the review conducted under paragraph (1).

(b) MATTERS ADDRESSED.—The report shall address the feasibility and advisability of making available to the public information relating to the following:

(i) Data on activities described in subsection (a)(1), including the following:

(A) The amount of United States person information collected pursuant to such activities.

(B) Queries of United States persons pursuant to such activities.

(C) Dissemination of United States person information pursuant to such activities, including masking and unmasking.

(D) Other United States person information in criminal proceedings.

(ii) Quantitative data and qualitative descriptions of incidents in which the intelligence community violated Executive Order 12333 and associated guidelines and procedures.

(c) CONSIDERATIONS.—In conducting the review under subsection (a)(1), the Director shall consider—

(1) the public transparency associated with the use by the intelligence community of the authorities provided under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including relevant data and compliance incidents; and

(2) the implications of the transparency model developed in connection with such Act to activities conducted under Executive Order 12333.

(d) DISAGREEMENT FOR PUBLIC RELEASE.—In conducting the review under subsection (a)(1), the Director shall address whether the relevant intelligence incidents associated with the different intelligence community entities can be disaggregated for public release.

SEC. 315. ELIMINATION OF THE COMMERCIAL AND BUSINESS OPERATIONS OFFICE OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY. Beginning not later than 90 days after the date of the enactment of this Act, the head of the commercial and business operations office of the National Geospatial-Intelligence Agency shall report directly to the Director of the National Geospatial-Intelligence Agency.

SEC. 316. ASSESSING INTELLIGENCE COMMUNITY OPEN-SOURCE SUPPORT FOR EXTERNAL INTELLIGENCE AND FOREIGN INVESTMENT SCREENING. (a) PILOT PROGRAM TO ASSESS OPEN SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING.—

(1) PILOT PROGRAM AUTHORIZED.—The Director of National Intelligence shall carry out a pilot program to assess the feasibility and advisability of providing intelligence derived from open source, publicly and commercially available information—

(A) to the Department of Commerce to support the export control and investment screening functions of the Department; and

(B) to the Department of Homeland Security to support the export control functions of the Department.

(2) AUTHORITY.—In carrying out the pilot program required by paragraph (1), the Director—

(A) shall establish a process for the provision of information as described in such paragraph; and

(B) may—

(i) acquire and prepare data, consistent with applicable provisions of law and Executive order;

(ii) modernize analytic systems, including through the acquisition, development, or application of automated tools; and

(iii) establish standards and policies regarding the acquisition, treatment, and sharing of open source, publicly and commercially available information.

(3) DURATION.—The pilot program required by paragraph (1) shall be carried out during a 3-year period.

(b) PLAN AND REPORT REQUIRED.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ‘‘appropriate committees of Congress’’ means—

(A) the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(2) PLAN.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a plan to carry out the pilot program required by subsection (a).

(B) CONTENTS.—The plan submitted under subparagraph (A) shall include the following:

(i) A list, developed in consultation with the Secretaries of Commerce and the Secretary of Homeland Security, of the activities of the Department of Commerce and the Department of Homeland Security that will be supported by the pilot program.

(ii) A plan for measuring the effectiveness of the pilot program and the value of open source, publicly and commercially available information to support foreign intelligence and investment screening missions.

(3) REPORT.—

(A) IN GENERAL.—Not later than 540 days after the date that the Director submits the plan under paragraph (2)(A), the Director shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the pilot program.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) An assessment of the feasibility and advisability of providing information as described in subsection (a)(1).

(ii) An assessment of the value of open source, publicly and commercially available information to the export control and investment screening missions, using the measures of effectiveness described in paragraph (2)(ii).

(iii) Identification of opportunities for and barriers to more effective use of open source, publicly and commercially available information in providing intelligence by the intelligence community.

SEC. 317. ANNUAL TRAINING REQUIREMENT AND REPORT REGARDING ANALYTIC STANDARDS. (a) POLICY FOR TRAINING PROGRAM REQUIRED.—Consistent with sections 1019 and 1020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364 and 3365 note), the Director of National Intelligence shall issue a policy that requires each head of an element of the intelligence community, that head also acting as Director, to create, before the date that is 180 days after the date of the enactment of this Act, an annual training program on the standards set forth in Intelligence Community Directive 203, Analytic Standards (or successor directive).

(2) CONDUCT OF TRAINING.—Training required pursuant to the policy required by subsection (a) may be conducted in conjunction with other required annual training programs conducted by the element of the intelligence community concerned.

(c) CERTIFICATION OF COMPLETION TRAINING.—Each year, each head of an element of the intelligence community shall certify to the congressional intelligence committees a certification as to whether all of the analysts of that element have completed the training required pursuant to the policy required by subsection (a) and if the analysts have not, an explanation of why the training has not been completed.

(d) REPORTS.—

(1) ANNUAL REPORT.—In conjunction with each briefing provided under section 1019(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364 note), the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the number and themes of compliance incidents reported to intelligence community analytic ombudsmen relating to the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive.

(2) REPORT ON PERFORMANCE EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall submit a report describing how compliance with the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive, is considered in the performance evaluations and consideration for merit pay, bonuses, promotions, and other personnel actions for analysts within the element.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Director from providing training described in this section as a service of common concern.
SEC. 318. HISTORICAL ADVISORY PANEL OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding at the end the following:

"SEC. 29. HISTORICAL ADVISORY PANEL."

(a) Definitions.—In this section, the terms ‘congressional intelligence communities’ and ‘intelligence community’ have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(b) Establishment.—There is established within the Agency an advisory panel to be known as the ‘Historical Advisory Panel’ (in this section referred to as the ‘panel’).

(c) Membership.—

(1) Composition.—

(A) In General.—The panel shall be composed of up to 7 members appointed by the Director from among individuals recognized as scholarly authorities in history, international relations, or related fields.

(B) Initial Appointments.—Not later than 180 days after the date of the enactment of this Act, the Director shall appoint the initial members of the panel.

(C) Chairperson.—The Director shall designate a Chairperson of the panel from among the members of the panel.

(d) Security Clearances and Accesses.—The Director shall sponsor appropriate security clearances and accesses for all members of the panel.

(e) Terms of Service.—

(I) In General.—Each member of the panel shall be appointed for a term of 3 years.

(II) Renewal.—The Director may renew any term for not more than 2 subsequent terms.

(f) Duties.—The panel shall advise the Agency on—

(I) topics for research and publication within the Agency;

(II) topics for discretionary declassification reviews;

(III) declassification of specific records or types of records;

(IV) determinations regarding topics and records whose continued classification is outweighed by the public benefit of disclosure;

(V) technological tools to modernize the classification and declassification processes to improve the efficiency and effectiveness of those processes; and

(VI) other matters as the Director may assign.

(g) Reports.—Not less than once each year, the panel shall submit to the Director and the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the activities of the panel.

(h) Nonapplicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

(i) Sunset.—The provisions of this section shall expire 7 years after the date of the enactment of this Act, unless reauthorized by statute.

TITLE IV—INTELLIGENCE MATTERS RELATING TO THE PEOPLE'S REPUBLIC OF CHINA

SEC. 401. REPORT ON WEALTH AND CORRUPT ACTIVITIES OF THE LEADERSHIP OF THE CHINESE COMMUNIST PARTY.

(a) Report Required.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall make available to the public an unclassified report on the wealth and corrupt activities of the leadership of the Chinese Communist Party, including the General Secretary of the Chinese Communist Party and senior leadership officials in the Central Committee, the Politburo, the Politburo Standing Committee, and any other regional Party Secretaries.

(b) Annual Updates.—Not later than 2 years after the date of the enactment of this Act and not less frequently than once each year thereafter until the date that is 6 years after the date of the enactment of this Act, the Director shall update the report published under subsection (a).

SEC. 402. IDENTIFICATION AND THREAT ASSESSMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall provide to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the risk to national security of the use of—

(I) telecommunications equipment and technology procured from the People’s Republic of China operating in the United States or providing services to affiliates and personnel of the intelligence community; and

(II) hospitality and conveyance companies with substantial investment by the People's Republic of China by affiliates and personnel of the intelligence community for travel on behalf of the United States Government.

SEC. 403. INTELLIGENCE COMMUNITY WORKING GROUP ON MONITORING THE ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) In General.—The Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall establish a cross-intelligence community analytical working group (in this section referred to as the “working group”) on the economic and technological capabilities of the People’s Republic of China.

(b) Montoring and Analysis.—The working group shall monitor and analyze—

(I) economic and technological capabilities of the People’s Republic of China;

(II) the extent to which those capabilities rely on exports, investments in companies, or services from the United States and other foreign countries;

(III) the links of those capabilities to the military-industrial complex of the People’s Republic of China;

(IV) the threats those capabilities pose to the national and economic security and values of the United States.

(c) Annual Update.—

(1) Definition of Appropriate Committees of Congress.—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) In General.—Not less frequently than once each year, the working group shall submit to the appropriate committees of Congress an unclassified analytical report on the economic and technological strategy, efforts, and progress of the People’s Republic of China to become the dominant military, technological, and economic power in the world and undermine the rules-based world order.

(d) Elements.—Each assessment required by paragraph (2) shall include the following:

(i) An unclassified overview of the major goals, strategies, and policies of the People’s Republic of China to control, shape, or develop self-sufficiency in key technologies and control related supply chains and ecosystems, including—

(I) efforts to acquire United States and other foreign technology and recruit foreign talent that technology embodied by the People’s Republic of China, including the extent to which those efforts relate to the military-industrial complex of the People’s Republic of China;

(II) efforts related to incentivizing offshoring of United States and foreign manufacturing to China, influencing global supply chains, and creating supply chain vulnerabilities for the United States, including China’s investments or potential investments in foreign countries to create monopolies in the processing and exporting of rare earth and other critical materials necessary for renewable energy, including cobalt, lithium, and nickel;

(III) industrial tools and market access restrictions or distortions imposed by the People’s Republic of China on foreign firms and laws and regulations of the People’s Republic of China that discriminate against United States and other foreign firms; and

(iv) efforts of the People’s Republic of China to attract investment from the United States and other foreign investors to build self-sufficient capabilities and the type of capital flows from the United States to China, including information on documentation of the lifecycle of investments, from the speculations taken to attract investment of the People’s Republic of China to attract the investments to the outcome of such efforts for entities and persons of the People’s Republic of China.

(b) An unclassified assessment of the progress of the People’s Republic of China to achieve its goals, disaggregated by economic sector.

(c) An unclassified assessment of the impact of the transfer of capital, technology, data, talent, and technical expertise from the United States to the People’s Republic of China on the economic, technological, and military capabilities of the People’s Republic of China.

(d) An unclassified list of the top 200 business, academic and research institutions, or other entities of the People’s Republic of China that are—

(I) designated by Chinese securities issuing and trading entities or other sources as supporting the military-industrial complex of the People’s Republic of China;

(II) developing, producing, or exporting technologies of strategic importance to the People’s Republic of China; or supporting entities of the People’s Republic of China that are subject to sanctions imposed by the United States;

(iii) supporting the military-civil fusion program of the People’s Republic of China;

(iv) otherwise supporting the goals and efforts of the Chinese Communist Party and Chinese government entities, including the Ministry of State Security, the Ministry of Public Security, and the People’s Liberation Army.

(E) An unclassified list of the top 100 development, infrastructure, or other strategic projects that the People’s Republic of China is currently engaging abroad that—

(i) advance the technology goals and strategies of the Chinese Communist Party; or

(ii) other investments that are related to China’s technological and economic goals.
(ii) evade financial sanctions, export controls, or import restrictions imposed by the United States.

(F) An unclassified list of the top 200 business entities, research institutions, or other entities of the People’s Republic of China that are developing surveillance, smart cities, or related technologies that are—

(1) experted in other countries, undermining democracy worldwide; or

(ii) provided to the security services of the People’s Republic of China, enabling them to commit severe human rights abuses in China.

(G) An unclassified list of the top 200 businesses or other entities of the People’s Republic of China that are—

(i) operating in the genocide zone in Xinjiang; or

(ii) supporting the Xinjiang Public Security Bureau, the Xinjiang Bureau of the Ministry of State Security, the People’s Armed Police, or the Xinjiang Production and Construction Corps.

(H) A list of investment funds, public companies, or private or early-stage firms of the People’s Republic of China that have received more than $100,000,000 in capital flows from the United States during the 10-year period preceding the date on which the assessment is submitted.

(4) PREPARATION OF ASSESSMENTS.—In preparing each assessment required by paragraph (2), the working group shall use open source documents in Chinese language and commercially available databases.

(5) FORMAT.—An assessment required by paragraph (2) may be submitted in the format of a National Intelligence Estimate.

(6) FORM.—Each assessment required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(7) PUBLICATION.—The unclassified portion of each assessment required by paragraph (2) shall be published on the publicly accessible website of the Director of National Intelligence.

(d) BRIEFINGS TO CONGRESS.—Not less frequently than quarterly, the working group shall provide to Congress a classified briefing on the economic and technological goals, strategies, and progress of the People’s Republic of China, especially on the information that cannot be disclosed in the unclassified portion of an assessment required by subsection (c)(2).

(e) ESTIMATES.—Each classified annex to an assessment required by subsection (c)(2) or corresponding briefing provided under subsection (d) shall include an analysis of—

(1) the vulnerabilities of the People’s Republic of China, disaggregated by economic sector, industry, and entity; and

(2) the technological or supply chain chokepoints of the People’s Republic of China that provide leverage to the United States.

(f) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SEC. 403. ANNUAL REPORT ON CONCENTRATED REEDUCATION CAMPS IN THE XINJIANG UYGHUR AUTONOMOUS REGION OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(2) THE PEOPLE’S REPUBLIC OF CHINA.

(b) ANNUAL REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on the status of covered camps.

(c) ELEMENTS.—Each assessment required by subsection (b) shall include the following:

(1) An identification of the number and geographic location of covered camps and an estimate of the number of victims detained in covered camps.

(2) A description of—

(A) the types of personnel and equipment in covered camps;

(B) the funding received by covered camps from the Government of the People’s Republic of China; and

(C) the role of the security services of the People’s Republic of China and the Xinjiang Production and Construction Corps in enforcing atrocities at covered camps.

(3) A comprehensive list of—

(A) the entities of the Xinjiang Production and Construction Corps and affiliated businesses, with respect to which sanctions have been imposed by the United States;

(B) commercial activities of those entities outside of the People’s Republic of China; and

(C) other Chinese businesses, including in the artificial intelligence, biotechnology, and surveillance technology sectors, that are involved with the atrocities in Xinjiang or supporting the policies of the People’s Republic of China in the region.

(d) FORM.—Each report required by subsection (b) shall be submitted in unclassified form and include a classified annex.

(e) PUBLICATION.—The unclassified portion of each report required by subsection (b) shall be publicly available on the website of the Office of the Director of National Intelligence.

SEC. 405. ASSESSMENTS OF PRODUCTION OF SEMICONDUCTORS BY THE PEOPLE’S REPUBLIC OF CHINA.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(3) The appropriate committees of Congress shall submit to the Committee on Appropriations of the House of Representatives a report on the time it takes to onboard personnel in the intelligence community.

(b) IN GENERAL.—Not later than 80 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of progress by the People’s Republic of China in global competitiveness in the production of semiconductors by Chinese firms.

(c) ELEMENTS.—Each assessment submitted under subsection (b) shall include the following:

(1) The progress of the People’s Republic of China toward self-sufficiency in the supply of semiconductors for globally competitive Chinese firms, including those firms competing in the fields of artificial intelligence, cloud computing, autonomous vehicles, next-generation telecommunications, energy, and high-performance computing.

(2) Activity of Chinese firms with respect to the procurement of semiconductor manufacturing equipment for the production of microelectronics below the 20 nanometer process node, including any identified export diversion to evade export controls.

(3) A comprehensive summary of unilateral and multilateral export controls that Chinese semiconductor manufacturers have been subject to in the year preceding the date on which the assessment is submitted, as well as a description of the status of export licenses issued by any export control authority during that time period.

(4) Any observed stockpiling efforts by Chinese firms with respect to semiconductor manufacturing equipment, substrate materials, silicon wafers, or other necessary inputs for semiconductor production.

(5) An analysis of the relative market share of different Chinese semiconductor manufacturers at different nodes and the estimated increase or decrease of market share by that manufacturer in each product category during the preceding year.

(6) A comprehensive summary of recruitment activity of the People’s Republic of China targeting semiconductor manufacturing engineers and managers from non-Chinese firms.

(7) An analysis of the capability of the workforce of the People’s Republic of China to design, produce, and manufacture microelectronics below the 20 nanometer process node and relevant equipment.

(d) FORM OF ASSESSMENTS.—Each assessment submitted under subsection (b) shall be submitted in unclassified form and include a classified annex.

TITLE V—PERSONNEL AND SECURITY CLEARANCE MATTERS

SEC. 501. IMPROVING ONBOARDING OF PERSONNEL IN INTELLIGENCE COMMUNITY.

(a) METHODOLOGY.—The Director of National Intelligence shall establish a methodology appropriate for all elements of the intelligence community that can be used to measure, consistently and reliably, the time it takes to onboard personnel in the intelligence community.

(b) REPORT.—In general.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees of Congress a report on the time it takes to onboard personnel in the intelligence community.
the mean, median, and mode time it takes to onboard personnel in the elements of the intelligence community described in such paragraph, disaggregated by element of the intelligence community.

SEC. 502. IMPROVING ONBOARDING AT THE CENTRAL INTELLIGENCE AGENCY.

(a) DEFINITION OF ONBOARD PERIOD.—In this section, the term 'onboard period' means the period beginning on the date on which an individual submits an application for employment with the Central Intelligence Agency and ending on the date on which the individual is formally offered one or more entrance on duty dates.

(b) IN GENERAL.—The Director of the Central Intelligence Agency shall take such actions as the Director considers appropriate and necessary to ensure that, by December 31, 2023, the median duration of the onboard period for new employees at the Central Intelligence Agency is equal to or less than 180 days.

SEC. 503. REPORT ON LEGISLATIVE ACTION REQUIRED TO IMPLEMENT TRUSTED WORKFORCE 2.0 INITIATIVE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall, in the Deputy Director's capacity as the Chair of the Federal Government Performance, and Accountability Council pursuant to section 2.4 of Executive Order 13467 (50 U.S.C. 3161 note; relating to performance, and accountability for Federal Government employment), fitness for contractor employees, and eligibility for access to classified national security information), submit to Congress a report on the legislative action required to implement the Trusted Workforce 2.0 initiative.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) A statement of the employee's complaint or information, so that the Director considers appropriate.

(2) For each statute specified under paragraph (1), a description of the consequences of the statute if the statute is not amended.

SEC. 504. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF THE ADMINISTRATION OF POLYGRAPH EVALUATIONS.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall conduct an assessment of the administration of polygraph evaluations that are needed in the intelligence community to meet current annual mission demand.

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

(1) Identification of the number of polygraphers currently available at each element of the intelligence community to meet the demand described in subsection (a).

(2) If the demand described in subsection (a) cannot be met, an identification of the number of polygraphers that would need to be hired and certified to meet it.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall brief the congressional intelligence committees described in subsection (c) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) on the findings of the Comptroller General with respect to the assessment conducted pursuant to subsection (a).

SEC. 505. TIMELINESS IN THE ADMINISTRATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.

(a) STANDARDS REQUIRED.—(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the agency shall, in the Director's capacity as the Security Executive Agent pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3162(a)(1)), establish standards for Federal agencies to administer polygraphs conducted for the purpose of:

(A) adjudicating decisions regarding eligibility for security clearance (as defined in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a))); and

(B) determining reciprocity pursuant to Security Executive Agent Directive 2, or successor directive.

(2) PUBLICATION.—The Director shall publish the standards issued under paragraph (1) in the Federal Register or such other venue as the Director considers appropriate.

(b) IMPLEMENTATION PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress an implementation plan for Federal agencies to administer the standards issued under subsection (a). Such plan shall specify the resources required by Federal agencies to comply with such standards.

SEC. 506. POLICY ON SUBMITTAL OF APPLICATIONS FOR ACCESS TO CLASSIFIED INFORMATION FOR CERTAIN PERSONNEL.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in the Director's capacity as the Security Executive Agent pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3162(a)), issue a policy that allows a private person to submit a certain proportion of applications, on a nonimbibible basis, for employee access to classified information for personnel who perform key management and oversight functions who may not merit an application due to their work under any one contract.

SEC. 507. TECHNICAL CORRECTION REGARDING PROFESSIONAL SHARING OF COVERED INSIDER THREAT INFORMATION.

Section 3001(j)(4)(B) of the Intelligence Authorization Act for Fiscal Year 2022 (Public Law 117-110) is amended by striking “contracting agency” and inserting “contractor that employs the contractor employee”.

SEC. 508. ESTABLISHING PROCESS PARITY FOR ADVISORY SECURITY CLEARANCE AND ACCESS DETERMINATIONS.

Subparagraph (c) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

“(C) COMMITTEE.—(i) [Subparagraph (C) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) in this Act is amended—

(1) IN GENERAL.—Subject to clause (ii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that:

(I) the official making the determination knew of the disclosure; and

(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

(2) IN GENERAL.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.”.

SEC. 509. ELIMINATION OF CAP ON COMPENSATORY DAMAGES FOR RETALIATORY SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

Section 3001(j)(4)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)(B)) is amended, in the second sentence, by striking “not to exceed $500,000.”.

SEC. 510. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON USE OF GOVERNMENT AND INDUSTRY SPACE CERTIFIED AS SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the average annual utilization of Federal Government and industry space certified as a sensitive compartmented information facility under intelligence community or Department of Defense policy.

TITLE VI—INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

SEC. 601. SUBMITTAL OF COMPLAINTS AND INFORMATION BY WHISTLEBLOWERS IN THE INTELLIGENCE COMMUNITY TO CONGRESS.

(a) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (c) the following:

“(b) APPOINTMENT OF SECURITY OFFICERS.—Each Inspector General under this section, including the designee of the Inspector General of the Department of Defense pursuant to subsection (a)(3), shall, within their offices security officers to provide, on a permanent basis, confidential, security-related guidance and direction to an employee of such Inspector General, an employee assigned or detailed to such establishment, or an employee of a contractor of such establishment who intends to report to Congress a complaint or information, so that such employee can obtain direction on how to report to Congress in accordance with appropriate security practices.”.

(2) PROCEDURE.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting “or any other committee of jurisdiction of the Senate or the House of Representatives” after “either or both of the intelligence committees”;

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

“(2A) Except as provided in subparagraph (B), the employee may contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, through the Inspector General (or designee), a statement of the employee’s complaint or

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information and notice of the employee’s intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; or

(ii) obtains and follows the procedural direction from the applicable security officer appointed under subsection (h).

(B) A PuPLEMENT OF SECURITY OFFICERS .—

(i) A PPOINTMENT OF SECURITY OFFICERS.—

(A) Appointment of security officers as required by subsection (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).

(B) by amending clause (ii) to read as follows:

(ii) (I) Except as provided in subclause (II), in addition to reporting a complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

(A) by inserting “(i)” before “An employee of;”

(B) by adding at the end the following:

“(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report a complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

(A) in lieu of reporting such complaint or information under paragraph (1); or

(B) in addition to reporting such complaint or information under paragraph (1).”.

(b) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—

(1) APPOINTMENT OF SECURITY OFFICERS.—

Section 103(b)(1) of the National Security Act of 1947 (50 U.S.C. 3033(c)) is amended by adding at the end the following:

“(b) by redesignating paragraph (3) as paragraph (4) and

(D) by inserting after paragraph (2) the following:

“(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subsection (a) of such section is amended by striking out the words ‘as required by subparagraph (A)’ and adding the following:

“(A) in lieu of reporting such complaint or information under paragraph (1); or

(B) in addition to reporting such complaint or information under paragraph (1).”.

(b) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—

(1) APPOINTMENT OF SECURITY OFFICERS.—

Section 103(b)(1) of the National Security Act of 1947 (50 U.S.C. 3033(c)) is amended by adding at the end the following:

“(b) by redesignating paragraph (3) as paragraph (4) and

(D) by inserting after paragraph (2) the following:

“(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subsection (a) of such section is amended by striking out the words ‘as required by subparagraph (A)’ and adding the following:

“(A) in lieu of reporting such complaint or information under paragraph (1); or

(B) in addition to reporting such complaint or information under paragraph (1).”.

(c) AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) APPOINTMENT OF SECURITY OFFICERS.—

Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by adding at the end the following:

“(D) by redesignating clause (iii) as clause (iv); and

(B) by adding at the end the following:

“(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report a complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

(A) in lieu of reporting such complaint or information under paragraph (1); or

(B) in addition to reporting such complaint or information under paragraph (1).”.

(d) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section shall be construed to revoke or diminish any right of an individual provided by section 2303 of title 5, United States Code. SEC. 602. MODIFICATION OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES IN INTELLIGENCE COMMUNITY.—

Section 1104(c)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3284(c)(1)(A)) is amended by inserting “in addition to reporting a complaint or information to the Director, through the Inspector General Act of 1978 (5 U.S.C. App.),” after “Chairman and Vice Chairman or Ranking Member, as the case may be, of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or”.

“II obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

(I) If an employee seeks procedural direction under subclause (1)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.”.

(C) by redesigning clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

“(iii) An employee of an element of the intelligence community who intends to report a complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

(A) unless the chain of command is intended to report a complaint or information or the chain of command does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.”.

(C) by redesigning clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

“(iii) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information either to the Director, through the Inspector General, or directly; and

(B) by redesigning clause (ii) as clause (iii); and

(D) by adding at the end the following:

“(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report a complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

(A) in lieu of reporting such complaint or information under paragraph (1); or

(B) in addition to reporting such complaint or information under paragraph (1).”.

(c) AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) APPOINTMENT OF SECURITY OFFICERS.—

Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by adding at the end the following:

“(D) by redesignating clause (iii) as clause (iv); and

(B) by adding at the end the following:

“(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report a complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

(A) in lieu of reporting such complaint or information under paragraph (1); or

(B) in addition to reporting such complaint or information under paragraph (1).”.

(d) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section shall be construed to revoke or diminish any right of an individual provided by section 2303 of title 5, United States Code.
SEC. 603. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER DISCLOSURE BY EMPLOYEES OF CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) In General.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)(3) of such section—

(A) by striking "(I)" and inserting "(I)"; or

(B) by redesignating subparagraph (J) as subparagraph (K); and

(C) by inserting after subparagraph (J) the following:

"(I) a knowing and willful disclosure revealing the identity of or other personally identifiable information of an employee or contractor employee; or"

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

"(1) PERSONNEL ACTIONS INVOLVING DISCLOSURE OF WHISTLEBLOWER IDENTITY.—A personnel action described in subsection (a)(3)(J) shall not be considered in violation of subsection (b) or (c) under the following circumstances:

"(A) The personnel action was taken with the express consent of the employee or contractor employee.

"(B) The Inspector General with oversight responsibility for a covered intelligence community element determines that—


"(ii) the personnel action was made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; or

"(C) the personnel action was required by statute or an order from a court of competent jurisdiction.

"(b) APPLICABILITY TO DETAILERS.—Subsection (a) of section 1104 of such Act (50 U.S.C. 3234) is amended by adding at the end the following:

"(5) EMPLOYEE.—The term 'employee', with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element, as determined by the Director of National Intelligence.

"(c) CIVILIAN PERSONNEL.—Subsection (a)(3)(K) of section 1104 of such Act (50 U.S.C. 3234) is amended by inserting a semicolon; and

"(d) EMPLOYEE.—The term 'employee', with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element, which is a component of the Department and each element of the intelligence community, in consultation with the Director of National Intelligence, and submitting a report on such procedures to the congressional defense committees, the congressional intelligence committees, and congressional leadership.

"(2) Developing procedures and processes 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 aerospace-undersea phenomena and adversarial foreign governmental 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, the National Science Foundation, 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 aerospace-undersea phenomena.

"(8) Preparing reports for Congress, in both classified and unclassified form, including under subsection (i).

"(9) Ensuring that appropriate elements of the intelligence community receive all reports received by the Office regarding a temporary attribution of an object that has been positively identified as a transmedium object or device, including by creating a procedure to ensure that the Office refers such reports to an appropriate element of the intelligence community for distribution among other relevant elements of the intelligence community, in addition to the reports in the repository described in paragraph (2).

"(10) Developing and implementing a robust process to investigate allegations of incidents involving unidentified aerospace-undersea phenomena under the direction of the Director of the Office.

SEC. 604. DEFINITIONS REGARDING WHISTLEBLOWER COMPLAINTS AND INFORMATION OF URGENT CONCERN RECEIVED BY INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) NATIONAL SECURITY ACT OF 1947.—Section 17(e)(3)(A) of the National Security Act of 1947 (50 U.S.C. 303(g)(3)(A)) is amended by striking "involving" and all that follows through "policy matters." and inserting the following: "of the Federal Government that is

"(aa) a matter of national security; and

"(bb) not a difference of opinion concerning public policy matters.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8M(h)(1)(A)(i) of the Inspector General General Act of 1978 (5 U.S.C. App.) is amended by striking "involving" and all that follows through "policy matters." and inserting the following: "of the Federal Government that is

"(I) a matter of national security; and

"(II) not a difference of opinion concerning public policy matters.

(c) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 17(d)(5)(G)(1)(aa) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3511(d)(5)(G)(1)(aa)) is amended by striking "involving" and all that follows through "policy matters." and inserting the following: "of the Federal Government that is

"(I) a matter of national security; and

"(II) not a difference of opinion concerning public policy matters.

"(3) REPORTING.—(A) The Director of the Office shall report to the Secretary of Defense.

"(B) The Deputy Director of the Office shall report—

"(i) to the Secretary of Defense and the Director of National Intelligence on all administrative matters of the Office; and

"(ii) to the Secretary of Defense on all operational matters of the Office.

"(c) DUTIES.—The duties of the Office shall include the following:

"(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of observations of unidentified aerospace-undersea phenomena across the Department of Defense and the intelligence community, in consultation with the Director of National Intelligence, and submitting a report on such procedures to the congressional defense committees, the congressional intelligence committees, and congressional leadership.

"(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 aerospace-undersea phenomena and adversarial foreign governmental 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, the National Science Foundation, 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 aerospace-undersea phenomena.

"(8) Preparing reports for Congress, in both classified and unclassified form, including under subsection (i).

"(9) Ensuring that appropriate elements of the intelligence community receive all reports received by the Office regarding a temporary attribution of an object that has been positively identified as a transmedium object or device, including by creating a procedure to ensure that the Office refers such reports to an appropriate element of the intelligence community for distribution among other relevant elements of the intelligence community, in addition to the reports in the repository described in paragraph (2).

"(10) Developing and implementing a robust process to investigate allegations of incidents involving unidentified aerospace-undersea phenomena under the direction of the Director of the Office.
leadership on the activities of the Director under this paragraph.

“(g) SCIENCE PLAN.—The Director of the Office, on behalf of the Secretary and the Director of National Intelligence, shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to—

(1) assess the characteristics and performance of unidentified aerospace-undersea 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 or otherwise better understand any such advanced characteristics and performance.

“(h) ASSIGNMENT OF PRIORITY.—The Director of National Intelligence, 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 aerospace-undersea phenomena.

“(i) REPORTS.—Not later than 180 days after the date of the enactment of the American Security Drone Act of 2022, the Director of the Office, the Secretary of Defense, and the Director of National Intelligence shall jointly establish a core group within the Office that shall include, at a minimum, representatives with all relevant and appropriate security clearances from the following:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The National Reconnaissance Office.

(4) The Air Force.

(5) The Space Force.

(6) The Department of Energy.

(7) The National Geospatial-Intelligence Agency.


“(j) ANNUAL REPORTS.—

(1) REPORTS FROM DIRECTOR OF NATIONAL INTELLIGENCE.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of the American Security Drone Act of 2022, and annually thereafter, the Director of National Intelligence shall submit an unclassified national intelligence report to the congressional committees specified in subparagraphs (A), (B), (D), and (E) of subsection (o)(1) and congressional leadership a report on the activities of the intelligence community with respect to unidentified aerospace-undersea phenomena covered under clause (v).

(B) REQUIREMENT.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(C) REPORTS FROM ELEMENTS OF INTELLIGENCE COMMUNITY.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form.

(D) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form.

(E) DATA, INTELLIGENCE COLLECTION.—

(1) AVAILABILITY OF DATA AND REPORTING ON UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENON.—The Director of National Intelligence shall coordinate with and, as appropriate, each of the organizations that will be primarily responsible for reporting on unidentified aerospace-undersea phenomena, the Director of National Intelligence shall coordinate with and, as appropriate, each of the organizations that will be primarily responsible for reporting on unidentified aerospace-undersea phenomena, 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, 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, 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.

(2) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—The Director of National Intelligence shall establish an intelligence collection and analysis plan to include the following:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The National Reconnaissance Office.

(4) The Air Force.

(5) The Space Force.

(6) The Department of Energy.

(7) The National Geospatial-Intelligence Agency.


“(k) SEMIANNUAL BRIEFINGS.—

(1) REQUIREMENT.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(2) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form.

(3) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form.

(4) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form.

(5) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form.

(6) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form.

(7) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form.

(8) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of enactment of the American Security Drone Act of 2022, and annually thereafter, each report submitted under subparagraph (A) shall be submitted in unclassified form.
(2) FIRST BRIEFIG.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerospace-undersea 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) BRIEFIGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerospace-undersea phenomena that occurred during the previous 180 days, and events relating to unidentified aerospace-undersea phenomena that were not included in an earlier briefing.

(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Director of the Office shall jointly provide to the chairman or chairperson of the congressional committees specified in subparagraphs (A) and (D) of subsection (a)(1) an enumeration of any instances in which data relating to unidentified aerospace-undersea phenomena was not provided to the Office because of classifications or restrictions on that data or for any other reason.

(1) QUARTERLY BRIEFIGS.—

(1) IN GENERAL.—Not later than 180 days after enactment of the American Security Drone Act of 2022, and not less frequently than once every 90 days thereafter, the Director of the Office shall provide the Joint Program Office, the National Unidentified Aerial Phenomena Task Force, and congressional leadership briefings on unidentified aerospace-undersea phenomena.

(2) ELEMENTS.—The briefings provided under paragraph (1) shall include the following:

(A) A continuously updated compendium of unidentified aerospace-undersea phenomena events.

(B) Details about each sighting that has occurred within the past 90 days and the status of each sighting's resolution.

(C) Updates on the Office's collection activities and posture, analysis, and research.

(3) SUBSEQUENT BRIEFIGS.—Each briefing provided subsequent to the initial briefing described in paragraph (2) shall include:

(A) A detailed update on the Office's activities and programs described in subsection (b).

(B) 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.

(7) The term ‘transmission objects or devices’ means objects or devices that are—

(A) observed to transition between space and the atmosphere, or between the atmosphere and bodies of water; and

(B) not immediately identifiable.

(8) The term ‘unidentified aerospace-undersea phenomena’ means—

(A) means—

(i) airborne objects that are not immediately identifiable;

(ii) transmedium objects or devices; and

(iii) 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); and

(B) does not include temporary nonattributed objects or those that are positively identified as man-made.

(2) DELEGATION OF DUTIES OF DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall select a full-time equivalent employee to serve as the Director of the Office, in consultation with the Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, the heads of such other departments and agencies of the Federal Government that have supported investigations of the types of events covered by subparagraph (A) of subsection (b)(1) and activities and programs described in subparagraph (B) of such subsection, and the congressional committees, to conduct comprehensive searches of all
records relating to nondisclosure orders or agreements or other obligations relating to the types of events described in subsection (a) and provide copies of all relevant documents.

(2) SUBMITAL TO CONGRESS.—The head of the Office shall—

(A) make the records compiled under paragraph (1) available to the congressional intelligence committees, the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and congressional leadership; and

(B) not later than September 30, 2023, and at least once each year thereafter through fiscal year 2026, provide to such committees and congressional leadership briefings and reports on such records.

(4) PROTECTION FROM LIABILITY.—It shall not be a violation of any law, and no cause of action shall lie or be maintained in any court or other tribunal against any person, for reporting any information through, and in compliance with, the system established pursuant to subsection (b)(1).

(5) The term ''unidentified aerospace-undersea phenomena'' has the meaning given such term in section 1683(o) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 423(o)).

(b) COMPILATION REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall make a complete historical record of the intelligence community's involvement with unidentified aerospace-undersea phenomena and any intelligence community efforts to identify such phenomena, including successful or unsuccessful efforts to identify and track unidentified aerospace-undersea phenomena, and any intelligence community efforts to support, manipulate, influence, hide, or otherwise provide unclassified or classified misinformation about unidentified aerospace-undersea phenomena or related activities of the review conducted under paragraph (1).

(c) ACTIVITIES.—In accordance with the prior three paragraphs, the Comptroller General shall—

(1) subject to subsection (f), acquire, access, use, and handle data or other information relevant to the purposes of the Office under subsection (b); and

(2) conduct long- and short-term analyses regarding—

(1) United States policies that enable technological competitiveness relative to those of other countries, particularly with respect to countries that are strategic competitors of the United States;

(B) United States science and technology ecosystem elements, including technology innovation, development, advanced manufacturing, supply chain resilience, and production, relative to those of other countries, particularly with respect to countries that are strategic competitors of the United States;

(C) United States competitiveness in technology and innovation sectors critical to national security and economic prosperity relative to other countries, particularly those that are strategic competitors of the United States;

(D) trends and trajectories, including rate of change in technologies, related to technology and innovation sectors critical to national security and economic prosperity;

(E) threats to United States national security interests as a result of any foreign country's dependence on technologies of strategic competitors of the United States; and

(F) threats to United States interests based on dependencies on foreign technological capabilities critical to national security and economic prosperity;

(3) solicit input on technology and economic trends, data, and metrics from relevant private sector stakeholders and engage with academia to inform the analyses under paragraph (2); and

(4) to the greatest extent practicable and as may be appropriate, ensure that versions of the analyses under paragraph (2) are unclassified.

(d) DETERMINATION OF PRIORITIES.—On a periodic basis, the Director of Science and Technology Policy, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, the Under Secretary of Commerce, the Director of National Intelligence, the Secretary of Defense, the Secretary of...
Energy, the Secretary of State, and the Secretary of Homeland Security shall, in coordination with such heads of Executive agencies as such Directors, Assistants, and Secretaries jointly appoint, jointly determine the priorities of the Office with respect to subsection (b)(2)(A), considering, as may be appropriate, the strategies and reports submitted under title VI of the Research and Development, Competition, and Innovation Act (Public Law 117–167).

(e) Administration.—To carry out the purposes set forth under subsection (b)(2), the Office shall enter into an agreement with a Federally funded research and development center, a university affiliated research center, or a Chair or Vice Chair of federal research and development centers and university-affiliated research centers.

(f) Acquisition, Access, Use, and Handling of Data or Information.—In carrying out the activities under subsection (c), the Office—

(1) shall acquire, access, use, and handle data or information in a manner consistent with applicable provisions of law and policy and subject to any restrictions required by the source of the information;

(2) shall have access to all information, data, or reports of any Executive agency that the Office determines necessary to carry out this section upon written request, consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters; and

(3) may obtain commercially available information that may not be publicly available.

(g) Additional Support.—A head of an Executive agency may provide to the Office such support, in the form of financial assistance and personnel, as the head considers appropriate to assist the Office in carrying out any activity under subsection (c), consistent with the priorities determined under subsection (d).

(h) Annual Report.—Not less frequently than once each year, the Office shall submit to Congress a report on the activities of the Office under this section, including a description of the priorities under subsection (d) and any support, disaggregated by Executive agency, provided to the Office consistent with subsection (g) in order to advance those priorities.

(i) Plans.—Before establishing the Office under this section, the Office shall submit to the appropriate committees of Congress a report detailing plans for—

(1) the administrative structure of the Office, including—

(A) a detailed spending plan that includes administrative costs; and

(B) a disaggregation of costs associated with carrying out subsection (e)(1),

(2) ensuring consistent and sufficient funding for the Office; and

(3) coordination between the Office and relevant Executive agencies.

(j) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2023.

SECTION 706. REPORT ON TRACKING AND COLLECTING PRECURSOR CHEMICALS AND DJI PRODUCTION OF SYNTHETIC OPIOIDS.

(a) Definition of Appropriate Committees of Congress.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on the Judiciary and the Committee on Appropriations of the Senate; and

(3) the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(b) In General.—Not later than 180 days after the date of enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on—

(1) any gaps or challenges related to tracking licit precursor chemicals that are used for illicit use in the production of synthetic opioids; and

(2) any gaps in authorities related to the collection of licit precursor chemicals that have been routed toward illicit supply chains.

(c) Form of Report.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 707. ASSESSMENT AND REPORT ON MASS MIGRATION IN THE WESTERN HEMISPHERE.

(a) Definition of Appropriate Committees of Congress.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(b) In General.—Not later than 90 days after the date of enactment of this Act, the Director of National Intelligence shall assess, and submit to the congressional intelligence committees a report on—

(1) the threats to the interests of the United States created or enhanced by, or associated with, the mass migration of people within the Western Hemisphere, particularly to the southern border of the United States; and

(2) the use of or the threat of using mass migration in the Western Hemisphere by the regime of Nicolás Maduro in Venezuela and the regime of Miguel Díaz-Canel and Raúl Castro in Cuba—

(A) to effectively curate populations so that people who remain in those countries are powerless or dissent; or

(B) to extract diplomatic concessions from the United States; and

(3) any gaps in resources, collection capabilities, or authorities relating to the ability of the intelligence community to timely identify the threats described in paragraphs (1) and (2), and recommendations for addressing those gaps.

(c) Form of Report.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.


(a) Definitions.—In this section—

(1) Appropriate Members of Congress.—The term "appropriate Members of Congress" means—

(A) the majority leader and the minority leader of the Senate;

(B) the Chair and Ranking Member of the Committee on Armed Services of the Senate;

(C) the Chair and Vice Chair of the Select Committee on Intelligence of the Senate; and

(D) the Chair and Vice Chair of the Committee on Appropriations of the Senate;

(E) the Chair and Ranking Member of the Committee on Foreign Relations of the Senate;

(F) the Speaker of the House of Representatives;

(G) the minority leader of the House of Representatives; and

(H) the Chair and Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) Executive Order 13567.—The term "Executive Order 13567" means Executive Order 13567 (10 U.S.C. 801 note; relating to periodic review of individuals detained at Guantánamo Bay Naval Station pursuant to the Authorization for Use of Military Force).

(3) Guantánamo.—The term "Guantánamo" means Guantánamo Bay Naval Station pursuant to the Authorization for Use of Military Force.

(4) Periodic Review Board.—The term "Periodic Review Board" has the meaning given that term in section 9 of Executive Order 13567 or successor order.

(b) Reports Required.—The Chair and Vice Chair of the Select Committee on Appropriations of Congress a notification of that determination.

(1) Transfer.—

(A) In General.—In any circumstance in which certification referred to in paragraph (1) of section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 969; 10 U.S.C. 801 note) concerning the transfer of an individual detained at Guantánamo is not required pursuant to paragraph (2) of that section, not less than 30 days prior to the transfer of the individual, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate Members of Congress a notification of the transfer.

(B) Matters to be included.—Each notification submitted under subparagraph (A) shall include the following:

(i) The name and country of origin of the individual to be transferred.

(ii) The country to which the individual will be transferred and the rationale for transferring the individual to that particular country.

(iii) An estimated date of transfer and the basis therefor.

(c) Reports on International Norms, Rules, and Principles Applicable in Peace.

(A) In General.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of State, in coordination with the
Secretary of Defense, the Secretary of Commerce, the Administrator of the National Aeronautics and Space Administration, and the heads of any other agencies as the Director considers necessary, shall jointly submit to Congress a report on international norms, rules, and principles applicable in space.

(b) ELEMENTS.—The report submitted under subsection (a) shall—
(1) identify threats to the interests of the United States in space that may be mitigated by international norms, rules, and principles applicable in space, including such norms, rules, and principles relating to developments in dual-use technology; and
(2) identify opportunities for the United States to influence international norms, rules, and principles applicable in space, including through bilateral and multilateral engagement.

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

SEC. 710. ASSESSMENTS OF THE EFFECTS OF SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION’S INVASION OF UKRAINE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘‘appropriate committees of Congress’’ means—
(1) the congressional intelligence committees;
(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and
(3) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENTS.—
(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary of State for Intelligence, and annually thereafter for 3 years, the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of the cumulative and material effects of the sanctions imposed by the United States, European countries, and the international community with respect to the Russian Federation in response to the February 24, 2022, invasion of Ukraine and subsequent actions by the Russian Federation.

(c) ELEMENTS.—Each assessment submitted under subsection (b) shall include the following:

(1) A description of efforts by the Russian Federation to evade sanctions using digital assets and a description of any related intelligence gaps.

(2) An assessment of how countries have assessed the risk of holding reserves in United States dollars since the February 24, 2022, invasion of Ukraine.

(3) An assessment of the impact of any general licenses issued in relation to the sanctions described in subsection (b), including the extent to which authorizations for international commercial transactions have enabled continued monetization by Russian influence actors.

(d) FORM OF ASSESSMENTS.—Each assessment submitted under subsection (b) shall be submitted in unclassified form and include a classified annex.

SEC. 711. ASSESSMENTS AND BRIEFINGS ON IMPLICATIONS OF FOOD INSECURITY THAT MAY RESULT FROM THE RUSSIAN FEDERATION’S INVASION OF UKRAINE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘‘appropriate committees of Congress’’ means—
(1) the congressional intelligence committees;
(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
(3) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENTS.—
(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for 2 years, the Director of National Intelligence shall conduct a comprehensive assessment of the implications of food insecurity that may result from the Russian Federation’s invasion of Ukraine.

(c) ELEMENTS.—Each assessment conducted under paragraph (1) shall address the following:

(A) The projected timeline for indicators of any food insecurity described in paragraph (1) to manifest.

(B) The potential for political instability and security crises that may occur as a result of any food insecurity, disaggregated by region.

(C) Factors that could minimize the potential effects of any such food insecurity on political instability described in subparagraph (B), disaggregated by region.

(D) Opportunities for the United States to prevent or mitigate any such food insecurity, disaggregated by region.

(e) BRIEFINGS.—Not later than 30 days after the date on which an assessment conducted under subsection (b)(1) is completed, the Director of National Intelligence shall brief the appropriate committees of Congress on the findings of the assessment.

SEC. 712. PILOT PROGRAM FOR DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION TO UNDERTAKE AN EFFORT TO IDENTIFY INTERNATIONAL MOBILE SUBSCRIBER IDENTITY-CATCHERS AND DEVELOP COUNTERMEASURES.


(1) in subsection (a), in the matter before paragraph (1)—

(A) by striking ‘‘The Director of National Intelligence’’ and inserting ‘‘the Director of the Federal Bureau of Investigation’’; and

(b) by inserting ‘‘the Director of National Intelligence,’’ before the Under Secretary; and

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

(3) by inserting after subsection (a) the following:

‘‘(b) PILOT PROGRAM.—

‘‘(1) IN GENERAL.—The Director of the Federal Bureau of Investigation in collaboration with the Director of National Intelligence, the Under Secretary of Homeland Security for Intelligence and Analysis, and the heads of such other Federal, State, or local agencies as the Director of the Federal Bureau of Investigation determines appropriate, and in accordance with applicable law and policy, shall conduct a pilot program designed to implement subsection (a) with respect to the National Capital Region.

‘‘(2) COMMITMENT; COMPLETION.—The Director of the Federal Bureau of Investigation shall—

‘‘(A) commence carrying out the pilot program required by paragraph (1) not later than 180 days after the date of enactment of the American Security Drone Act of 2022; and

‘‘(B) complete the pilot program not later than 2 years after the date on which the Director commences carrying out the pilot program under subparagraph (A).’’; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in the matter before paragraph (1), by striking ‘‘Prior’’ and all that follows through ‘‘Investigation’’ and inserting ‘‘Not later than 180 days after the date on which the Director of the Federal Bureau of Investigation determines that the pilot program required by subsection (b)(1) is operational, the Director and the Director of National Intelligence’’; and

(B) in paragraph (1), by striking ‘‘within the United States’’; and

(C) in paragraph (2), by striking ‘‘by the’’ and inserting ‘‘deployed by the Federal Bureau of Investigation and other elements of the’’.

SEC. 713. DEPARTMENT OF STATE BUREAU OF INTELLIGENCE AND RESEARCH ASSESSMENT OF ANOMALOUS HEALTH INCIDENTS.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropriate committees of Congress’’ means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of State for Intelligence and Research shall submit to the appropriate committees of Congress an assessment of the findings relating to the events that have been collectively labeled as ‘‘anomalous health incidents’’.

(c) CONTENTS.—The assessment submitted under subsection (b) shall include the following:

(1) Any diplomatic reporting or other relevant information, including sources and reliability of respective sources, on the causation of anomalous health incidents.

(2) Any diplomatic reporting or other relevant information, including sources and reliability of respective sources, on any person or entity who may be responsible for such incidents.
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(3) Detailed plans, including metrics, timelines, and measurable goals, for the Bureau of Intelligence and Research to understand anomalous health incidents and share findings of the role of other elements of the intelligence community.

DIVISION G—DEPARTMENT OF STATE AUTHORIZATIONS

SEC. 5001. SHIELD ON CONGRESSIONAL RECORD.

This division may be cited as the “Department of State Authorization Act of 2022.”

SEC. 5002. DEFINITIONS.

In this division:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) 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.

(3) DEPARTMENT.—Unless otherwise specified, the term “Department” means the Department of State.

(4) SECRETARY.—Unless otherwise specified, the term “Secretary” means the Secretary of State.

(5) USAID.—The term “USAID” means the United States Agency for International Development.

SEC. 5101. MODERNIZING THE BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE AND THE BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.

It is the sense of Congress that—

(1) the Secretary should take steps to address staffing shortfalls in the chemical, biological, and nuclear weapons issues areas in the Bureau of Arms Control, Verification, and Compliance and in the Bureau of International Security and Nonproliferation;

(2) maintaining a fully staffed and resourced Bureau of Arms Control, Verification, and Compliance and Bureau of International Security and Nonproliferation is necessary to effectively confront the threat of increased global proliferation; and

(3) the Bureau of Arms Control, Verification, and Compliance and the Bureau of International Security and Nonproliferation should ensure appropriate coordination with the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended, in paragraph (4)(B) of subsection (a) of section 5502(a)(2) of this Act, by striking “the date that is two years after the date of the enactment of this Act” and inserting “January 1, 2025”.

SEC. 5102. NOTIFICATION TO CONGRESS FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

It is the sense of Congress that—

(1) in subsection (a), by inserting “, as exists by a foreign government or a nongovernmental actor, the term “Department” means the Department of State and the Committee on Foreign Affairs of the House of Representatives.”;

(2) not later than 14 days after such determination, notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such determination and provide such committee with a summary of the facts that led to such determination.

(3) 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.

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

(1) any interaction by executive branch officials with any family member of such United States national occurs in a coordinated fashion;

(2) such family member receives consistent and accurate information from the United States government;

(3) appropriate coordination with the Family Engagement Coordinator described in section 304(c)(2); and

(4) for a United States national held hostage abroad, that any engagement with a family member is coordinated with, consistent with, and not duplicative of the efforts of the Family Engagement Coordinator described in section 304(c)(2).

SEC. 5103. FAMILY ENGAGEMENT COORDINATOR.

Section 303 of the Robert Levinson Hostage Recovery Accountability Act (22 U.S.C. 1741a) is amended by adding at the end the following:

“(d) FAMILY ENGAGEMENT COORDINATOR.—There shall be, in the Office of the Special Presidential Envoy for Hostage Affairs, a Family Engagement Coordinator, who shall ensure—

(1) for a United States national unlawfully or wrongfully detained abroad, that—

(A) any interaction by executive branch officials with any family member of such United States national occurs in a coordinated fashion;

(B) such family member receives consistent and accurate information from the United States government;

(C) appropriate coordination with the Family Engagement Coordinator described in section 304(c)(2); and

(2) for a United States national held hostage abroad, that any engagement with a family member is coordinated with, consistent with, and not duplicative of the efforts of the Family Engagement Coordinator described in section 304(c)(2).”

SEC. 5104. REWARDS FOR JUSTICE.

Section 36(b) of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2706(b)) is amended by—

(1) in paragraph (4), by striking “or (10);” and inserting “(10), or (14);”;

(2) in paragraph (12), by striking “or” at the end;

(3) in paragraph (13), by striking the period at the end and inserting “; or”;

and

(4) by adding at the end the following:

“(14) the prevention, frustration, or resolution of the hostage taking of a United States person, the identification, location, arrest, or conviction of a person responsible for the hostage taking of a United States person, or the location of a United States person who has been taken hostage, in any country.”

SEC. 5105. ENSURING GEOGRAPHIC DIVERSITY AND ACCESSIBILITY OF PASSPORT AGENCIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Department initiatives to expand passport services and accessibility, including through online modernization projects, should include the construction of new physical passport agencies.

(b) REVIEW.—The Secretary shall conduct a review of the geographic diversity and accessibility of existing passport agencies to identify—

(1) the geographic areas in the United States that are farther than 6 hours’ driving distance from the nearest passport agency;

(2) the per capita demand for passport services in the areas described in paragraph (1); and

(3) a plan to ensure that in-person services at physical passport agencies are accessible to all eligible Americans, including Americans living in large population centers, in rural areas, and in States with a high per capita demand.

(c) CONSIDERATIONS.—The Secretary shall consider the metrics identified in paragraphs (1) and (2) of subsection (b) when determining locations for the establishment of new physical passport agencies.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains the findings of the review conducted pursuant to subsection (b).

SEC. 5106. CULTURAL ANTIQUITIES TASK FORCE.

The Secretary is authorized to award up to $1,000,000 for grants to carry out the activities of the Cultural Antiquities Task Force.

SEC. 5107. BRIEFING ON “CHINA HOUSE.”

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees regarding the organizational structure, personnel, resources, and mission of the Department of State’s “China House” team.

SEC. 5108. OFFICE OF SANCTIONS COORDINATION.

(a) EXTENSION OF AUTHORITIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended, in paragraph (4)(B) of subsection (a) of section 5502(a)(2) of this Act, by striking “the date that is two years after the date of the enactment of this Act” and inserting “January 1, 2025.”

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, or designee, shall brief the appropriate congressional committees with respect to the steps that the Office of Sanctions Coordination has taken to coordinate its activities with the Department of the Treasury and humanitarian aid programs, in an effort to help ensure appropriate flows of humanitarian assistance and goods to countries subject to United States sanctions.

TITLE XII—PERSONNEL ISSUES

SEC. 5201. DEPARTMENT OF STATE PAID STUDENT INTERNSHIP PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Department of State Student Internship Program (referred to in this section as the “Program”) to take advantage of opportunities at the Department to eligible students to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the implementation of United States foreign policy objectives.

(b) ELIGIBILITY.—An applicant is eligible to participate in the Program if the applicant—

(1) is enrolled at least half-time at—

(A) an institution of higher education (as such term is defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a))); or

(B) an institution of higher education based outside the United States, as determined by the Secretary of State; and

(2) is eligible to receive and hold an appropriate secure clearance.

(c) SELECTION.—The Secretary shall establish selection criteria for students to be admitted into the Program that includes a demonstrated interest in a career in foreign affairs.

(d) OUTREACH.—The Secretary shall—

(1) widely advertise the Program, including—

(A) on the Internet;

(B) through the Department’s Diplomats in Residence program; and

(C) through other outreach and recruiting initiatives targeting undergraduate and graduate students;

(2) conduct targeted outreach to encourage participation in the Program from—
(A) individuals belonging to an underrepresented group; and
(B) students enrolled at minority-serving institutions (which shall include any institution of higher education Act of 1965 (20 U.S.C. 106q(a)).

(i) identification of any additional authorities or resources that would be necessary to convert such an internship program to offer compensation in the future.

(b) Reports.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit a report to the committees referred to in subsection (g)(3)(A) that includes:

(1) data, to the extent the collection of such information is permissible by law, regarding the number of students who applied to the Program, were offered a position, and participated, respectively, disaggregated by race, ethnicity, sex, socioeconomic status, student's permanent address, and when an interim security clearance was granted;

(2) data regarding the number of security clearance investigations initiated for the students described in paragraph (1), including the timeline for such investigations, whether such investigations were completed, and when and if such investigations were completed;

(3) information on Program expenditures; and

(4) information regarding the Department's compliance with subsection (g).

(1) Voluntary Participation.—

(i) In General.—Nothing in this section shall be construed to compel any student who is a participant in an internship program of the Department in which such student is participating if such location is—

(A) the headquarters of the Department; or

(B) outside of the United States.

(ii) Working With Institutions of Higher Education.—The Secretary, in consultation with the Director of the Office of Personnel Management, with respect to the number of interns to be hired under this subsection, shall provide a student participating in the Program with financial assistance that is sufficient to cover the travel costs of a single round trip by air, train, bus, or other appropriate means for transportation to the student's permanent address and the location of the internship in which such student is participating if such location is—

(A) the headquarters of the Department; or

(B) outside of the United States.

(iii) In General.—Except as provided in paragraph (2), the Secretary, to the maximum extent practicable, shall structure internships to ensure that such internships satisfy criteria for academic credit at the institutions of higher education in which such internships are enrolled.

(2) Transition Period.—

(i) In General.—Transitioning support; and

(ii) Advocacy, Service Referrals, and Travel Accommodations; and

(iii) Special Hiring Authority.—Notwithstanding any other provision of law, the Secretary, in consultation with the Director of the Office of Personnel Management, may enter into agreements with universities to provide emergency food, shelter, clothing, and transportation for victims involved in complaints conducted by the Office of Civil Rights.

(b) Employment Targets.—The Secretary shall seek to employ—

(1) not fewer than 15 additional personnel in the Bureau of Global Talent Management and the Office of Civil Rights (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 1 year after such date of enactment; and

(2) not fewer than 15 additional personnel in such Bureau and Office (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 180 days after such date of enactment.

(c) Policies.—The Secretary should develop and strengthen policies regarding harassment, discrimination, sexual assault, and related retaliation, including policies for:

(1) addressing, reporting, and providing transition support;

(2) advocating for referrals and travel accommodations; and

(3) disciplining any who violates Department policies regarding harassment, discrimination, sexual assault, and related retaliation occurring between covered individuals and noncovered individuals.

(d) Disciplinary Action.—

(1) Grounds for Disciplinary Action.—Section 510(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(1)), is amended—

(A) by striking “decide to”; and

(B) by inserting at the end the following: "and when an interim security clearance was granted;

(2) Update to Manual.—The Director of Global Talent shall—

(A) update the “Grounds for Disciplinary Action” and “List of Disciplinary Offenses and Penalties” sections of the Foreign Affairs Manual to reflect the amendments made by this paragraph; and

(B) communicate such updates to Department staff through publication in Department Notices.

SEC. 5203. INCREASING THE MAXIMUM AUTHORIZED INTERNET AND TECHNOLOGY FELLOWSHIP GRANTS AND COOPERATIVE AGREEMENTS.

Section 504(e)(3) of the Diplomatic and Consular Fellowships Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d(e)(3)) is amended by striking “$300,000” and inserting “$2,000,000”.

SEC. 5204. ADDITIONAL PERSONNEL 3 ADDRESS BACKLOGS IN HIRING AND INVESTIGATIONS.

(a) In General.—The Secretary shall seek to increase the number of personnel within the Bureau of Global Talent Management and the Office of Civil Rights to address backlogs in hiring and investigations.

(b) Employment Targets.—The Secretary shall seek to employ—

(1) at least 70,500 personnel in the Bureau of Global Talent Management and the Office of Civil Rights (compared to the number of personnel so employed as of the date of the enactment of this Act) by the date that is 1 year after such date of enactment; and

(2) at least 65,000 personnel in the Bureau of Global Talent Management and the Office of Civil Rights (compared to the number of personnel so employed as of the date of the enactment of this Act) by the date that is 1 year after such date of enactment.

SEC. 5205. FOREIGN AFFAIRS TRAINING.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the Department is a crucial national security agency, whose employees, both Foreign Service and Civil Service, require the best possible training and professional development at all stages 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 faces increasingly complex and rapidly evolving challenges, many of which are science- and technology-driven, and which demand continual, high-quality training and professional development of its personnel; and

(3) the new and evolving challenges of national security in the 21st century necessitate the expansion of standardized training and professional development opportunities linked to equitable, accountable, and transparent promotion and leadership practices for Department and other national security agency personnel; and

(4) consistent with gift acceptance authority of the Department and other applicable
In addition to providing the Civil Service of the Department and the Foreign Service with the level of professional development and training needed to effectively advance United States interests across the world, the Secretary shall—

1. increase relevant offerings provided by the Department—
   a. interactive virtual instruction to make training and professional development more accessible and useful to personnel deployed throughout the world; and
   b. offer courses using computer-based or computer-assisted simulations, allowing civilian officers to lead decision making in a crisis environment, and encourage officers of the Department, and reciprocally, officers of other Federal departments to participate in similar exercises held by the Department or other government organizations and the private sector;

2. increase the duration and expand the focus of certain training and professional development courses, including by extending:
   a. the A–100 entry-level course to as long as 12 weeks, which better matches the length of entry-level training and professional development provided to the officers in other national security departments and agencies; and
   b. the Chief of Mission course to as long as 6 weeks for first time Chiefs of Mission and creating comparable courses for new Assistant Secretaries and Deputy Assistant Secretaries to more accurately reflect the significant responsibilities accompanying such roles; and

3. ensure that Foreign Service officers who are assigned to a country experiencing significant displacement understand the impacts of climatic and non-climatic shocks and stresses, including rising sea levels and lack of access to affordable and reliable electricity, receiving specific instruction on United States policy with respect to resilience and adaptation to such climatic and non-climatic shocks and stresses.

4. FELLOWSHIPS.—The Director General of the Foreign Service shall—
   a. expand and establish new fellowships programs for entry-level and mid-career Foreign Service officers who include short- and long-term opportunities at organizations, including—
(ii) assessments done after the course has concluded; and
(C) report not less frequently than quarterly to the Board of Visitors regarding the development of curriculum and the performance of Foreign Service officers.

5. Term.—The Provost shall serve for a term of not fewer than 5 years and may be reappointed for a 5-year term.

6. Compensation.—The Provost shall receive a salary commensurate with the rank and experience of a member of the Senior Foreign Service or the Senior Executive Service, as determined by the Secretary.

7. Other Agency Responsibilities and Authorities.—
(a) The Secretary shall develop and submit to the appropriate committees of Congress a report on the information referred to in subparagraphs (B) and (C) of this paragraph not less frequently than quarterly, including—
(i) the current and future needs for 21st century diplomacy;
(ii) ways to incorporate press freedom promotion into other aspects of diplomacy; and
(iii) the department's role in promoting press freedom as an American value, a human rights issue, and a national security imperative;
(b) other agencies.—National security agencies other than the Department should be afforded the ability to increase the enrollment of their personnel in courses at the Foreign Service Institute and other training and professional development facilities of the Department to promote a whole-of-government approach to mitigating national security challenges.

2. Congressional Staff.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that describes—
(A) a training and professional development opportunities at the Foreign Service Institute and other Department facilities available to congressional staff;
(B) the benefits of offering such opportunities to congressional staff; and
(C) potential course offerings.

3. Strategy for Adapting Training Requirements for Modern Diplomatic Needs.—
(A) The Secretary shall submit a report to the appropriate committees of Congress that—
(i) describes the multi-faceted and comprehensive challenge of establishing a residential training program pursuant to paragraph (2)(C), the Secretary shall—
(A) collaborate with other national security agencies and departments that employ residential training for their orientation courses; and
(B) consider using the Department's Foreign Affairs Security Training Center in Blackstone, Virginia, to host courses on specific topics, including in-person and virtual courses on monitoring and evaluation, audience analysis, and the use of emerging technologies in diplomacy.

4. Utilization of Existing Resources.—In examining the advantages and disadvantages of establishing a residential training program pursuant to paragraph (2)(C), the Secretary shall—
(A) report on the information referred to in subparagraph (B) of this paragraph, including assessments done after the course has concluded; and
(B) consider using the Department's Foreign Affairs Security Training Center in Blackstone, Virginia, to host courses on specific topics, including in-person and virtual courses on monitoring and evaluation, audience analysis, and the use of emerging technologies in diplomacy.

5. Compensation.—The Provost shall receive a salary commensurate with the rank and experience of Foreign Service officers.

6. Term.—The Provost shall serve for a term of not fewer than 5 years and may be reappointed for a 5-year term.

7. Initial Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit the report described in subparagraphs (A) and (B) of this paragraph not less frequently than quarterly, including—
(A) the number of personnel who were hired; and
(B) the number of personnel whose employment or contract was terminated or who voluntarily left the Department.

8. Sense of Congress.—It is the sense of Congress that the Department's workforce based on domestic and overseas assignments, including a breakdown of the number of personnel in geographic and functional bureaus, and the number of personnel in overseas missions by region; and
(ii) for personal service contracts and other contracts with individuals; and
(iii) for personal service contracts and other contracts with individuals.

9. Report to the President.—Not later than December 31, 2023, and annually thereafter for the following 5 years, the Secretary shall submit a report to the appropriate committees of Congress that includes—
(A) the number of personnel who were promoted, including the grade to which they were promoted; and
(B) the number of personnel in active contracts; and
(C) for personal service contracts and other contracts with individuals; and
(D) for personal service contracts and other contracts with individuals.
(a) ADDENDUM FOR STUDY ON FOREIGN SERVICE

(1) an evaluation of the May 2019 merger of the Bureau of Public Affairs and the Bureau of International Information Programs into the Bureau of Global Public Affairs with respect to—

(A) the efficacy of the current configuration of the bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs in achieving the mission of the Department;

(B) the metrics before and after such merger, including personnel data, disaggregated by position, tenure, content production, opinion polling, program evaluations, and media appearances;

(C) the results of a survey of public diplomacy and public affairs employees concerning their perception of the efficacy of such merger and any adjustments that still need to be made;

(D) a plan for evaluating and monitoring, not less frequently than once every 2 years, the programs, activities, messaging, professional development efforts, and structure of the Bureau of Global Public Affairs, and submitting a summary of each such evaluation to the appropriate committees of Congress;

(E) a review of recent outside recommendations to the Department with respect to public diplomacy efforts, including—

(A) efforts in each of the bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs to address issues of diversity and inclusion in their work, structure, data collection, programming, and personnel, including any collaboration with the Chief Officer for Diversity and Inclusion;

(B) proposals to collaborate with think tanks and academic institutions working on public diplomacy to implement recent outside recommendations; and

(C) additional authorizations and appropriations necessary to implement such recommendations;

SEC. 5206. SECURITY CLEARANCE APPROVAL PROCESS.

(a) RECOMMENDATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary, in coordination with the Director of National Intelligence, shall submit recommendations to the appropriate congressional committees concerning the security clearance approval process within the Bureau of Diplomatic Security so that the security clearance approval process for Civil and Foreign Service applicants is completed within 6 months, on average, and within 1 year, in the vast majority of cases.

(b) REPORT.—Not later than 90 days after the recommendations are submitted pursuant to subsection (a), the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Select Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that—

(1) describes the status of the efforts of the Department to streamline the security clearance approval process; and

(2) identifies any remaining obstacles preventing security clearances from being completed within the time frames set forth in subsection (a), including lack of cooperation or other actions by other Federal departments and agencies.

SEC. 5207. ADDENDUM FOR STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an addendum to the report required under section 5302 of the Department of State Authorization Act of 2021 (division E of Public Law 117–81), which shall be entitled the “Report on Bidding for Domestic and Overseas Posts and Filling Unfilled Positions”. The addendum shall be prepared using input from the panel charged with reviewing the feasibility of requiring that each member of the Foreign Service, at the time of entry into the Foreign Service and thereafter, be worldwide available, as determined by the Secretary.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the feasibility of a worldwide availability requirement for all members of the Foreign Service;

(2) considerations if such a requirement were to be implemented, including the potential effect on recruitment and retention; and

(3) recommendations for exclusions and limitations, including exemptions for medical reasons, disability, and other circumstances.

SEC. 5210. PROFESSIONAL DEVELOPMENT.

(a) REQUIREMENTS.—The Secretary shall strongly encourage that Foreign Service officers seeking entry into the Senior Foreign Service participate in professional development described in subsection (c).

(b) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit recommendations on requiring that Foreign Service officers complete professional development described in subsection (c) to be eligible for entry into the Senior Foreign Service.

(c) PROFESSIONAL DEVELOPMENT DESCRIBED.—Professional development described in this subsection is not less than 6 months of training at the discretion of the Department, including time spent—

(1) as a detailee to another government agency, including Congress or a State, Tribal, or local government;

(2) in Department-sponsored and -funded university training that results in an advanced degree, excluding time spent at a university that is fully funded or operated by the Federal Government.

(d) PROMOTION PRECEPTS.—The Secretary shall instruct promotion boards to consider, among other factors, long-term and out-of-agency detail assignments.

SEC. 5211. MANAGEMENT ASSESSMENTS AT DIPLOMATIC AND CONSULAR POSTS.

(a) IN GENERAL.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary shall annually conduct, at each diplomatic and consular post, a voluntary survey, which shall be offered to all staff assigned to that post who are citizens of the United States (excluding the Chief of Mission) to assess the management and leadership at that post by the Deputy Chief of Mission, and the Charge d’Affaires.

(b) ANONYMITY.—All responses to the survey shall be—

(1) fully anonymized; and

(2) made available to the Director General of the Foreign Service.

(c) SURVEY.—The survey shall seek to assess—

(1) the general morale at post;

(2) the presence of any hostile work environment;

(3) the presence of any harassment, discrimination, retaliation, or other mistreatment; and

(4) effective leadership and collegial work environment.

(d) DIRECTOR GENERAL RECOMMENDATIONS.—Upon compilation and review of the surveys, the Director General of the Foreign Service shall issue recommendations to posts, as appropriate, based on the findings of the surveys.

(e) REFERRAL.—If the surveys reveal any action that is grounds for referral to the Inspector General of the Department of State and the Foreign Service, the Director General shall forward the matter to the Inspector General of the Department of State and the Foreign Service,
who shall, as the Inspector General considers appropriate, conduct an inspection of the post in accordance with section 206(b) of the Foreign Service Act of 1980 (22 U.S.C. 2651a). [45x66]

(f) ANNUAL REPORT.—The Director General of the Foreign Service shall submit an annual report to the appropriate congressional committees regarding—

(1) any trends or summaries from the surveys; and

(2) the posts where corrective action was recommended or taken in response to any issues identified by the surveys; and

(g) INITIAL BASIS.—The Secretary shall carry out the surveys required under this section in the initial basis for 5 years.

SEC. 5212. INDEPENDENT REVIEW OF PROMOTION POLICIES.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive review of the policies, personnel, organization, and processes related to promotions within the Department, including—

(1) a review of—

(A) the selection and oversight of Foreign Service Appointees, to ensure they are diverse and representative of the United States; and

(B) the use of quantitative data and metrics in such panels;

(2) an assessment of the promotion practices of the Department, including how promotion processes are communicated to the workforce and appeals processes; and

(3) recommendations for improving promotion panels and promotion practices.

SEC. 5213. THIRD PARTY VERIFICATION OF PERMANENT CHANGE OF STATION (PCS) MOTION POLICIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a mechanism for third parties to verify the employment of, and the validity of permanent change of station (PCS) orders received by, members of the Foreign Service, in a manner that protects the safety, security, and privacy of sensitive employee information.

SEC. 5214. POST-EMPLOYMENT RESTRICTIONS ON SENATE-CONFIRMED OFFICIALS AT TITLES DEPARTMENT OF STATE.

(a) SENES OF CONGRESS.—It is the sense of Congress that—

(1) Congress and the executive branch have recognized the importance of preventing and mitigating the potential for conflicts of interest following government service, including with respect to senior United States officials working on behalf of foreign governments; and

(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(b) RESTRICTIONS.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following:

''(m) EXTENDED POST-EMPLOYMENT RESTRICTIONS FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—

''(1) DEFINITIONS.—In this subsection:

``(A) COUNTRY OF CONCERN.—The term ‘country of concern’ means—

``(i) the People’s Republic of China;

``(ii) the Russian Federation;

``(iii) the Islamic Republic of Iran;

``(iv) the Democratic People’s Republic of Korea;

``(v) the Republic of Cuba; and

``(vi) the Syrian Arab Republic.

``(B) FOREIGN GOVERNMENT ENTITY.—The term ‘foreign governmental entity’ includes—

``(i) any person employed by—

SEC. 5215. EXPANSION OF AUTHORITIES REGARDING SPECIAL RULES FOR CERTAIN MONTHLY WORKERS’ COMPENSATION PAYMENTS AND OTHER PAYMENTS.

Section 901 of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(b) is amended by adding at the end the following:

''(f) EXPANSION OF AUTHORITIES.—The head of any Federal agency may exercise the authorities of this section, including to designate an incident, whether the incident occurred in the United States, for purposes of subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4) when the incident affects United States Government employees of the Department of State or when their dependents are not under the security responsibility of the Secretary of State as set forth in section 103 of the Omnibus Diplomatic and Consular Security Act of 1988 (22 U.S.C. 4802) or when operational control of overseas security responsibility for such employees or dependents has been delegated to the head of the agency.’’.}

TITLE LIII—EMBASSY SECURITY AND CONSTRUCTION

SEC. 5301. AMENDMENTS TO SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the “Secure Embassy Construction and Counterterrorism Act of 2022”.

(b) FINDINGS.—Congress makes the following findings:

(1) The Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106-113) was a necessary response to bombings on August 7, 1998, at the United States embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, that were destroyed by simultaneously exploding bombs killing 223 persons and injuring more than 4,000 others. Twelve Americans and 40 Kenyan and Tanzanian employees of the United States Foreign Service were killed in the attacks.

(2) Those bombings, followed by the expediency diplomatic efforts in Iraq and Afghanistan, demonstrated the need to prioritize the security of United States posts and personnel abroad above other considerations.

(3) Between 1999 and 2022, the risk calculus of the Department impacted the ability of United States diplomats around the world to advance the interests of the United States through access to local populations, leaders, and places.

(4) America’s competitors and adversaries do not have the same restrictions that United States diplomats have, especially in critically important medium-threat and high-threat posts.

The Department’s 2021 Overseas Security Policy states that—

(A) the requirement for setback and colocation of diplomatic posts under paragraphs (2) or (3) shall be subject to the penalties and injunctions provided for under section 216 of title 18, United States Code;

(6) NOTICE OF RESTRICTIONS.—Any person subject to the restrictions under this subsection shall be provided notice of these restrictions by the Department of State—

(A) upon appointment by the President; and

(B) upon termination of service with the Department of State.

(7) EFFECTIVE DATE.—The restrictions under this subsection shall apply only to persons who are appointed by the President to the positions referenced in this subsection on or after 120 days after the date of the enactment of the Department of State Authorization Act of 2022.

(8) SUNSET.—The restrictions under paragraphs (2) or (3) shall expire on the date that is—

(A) 5 years from the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022; or

(B) 7 years after the date of the enactment of this Act.”.
that can evade walls and other static barriers; and
(2) the Department should focus on cre-
ating performance security standards that—
(A) meet outside United States secured fa-
dilities, deployed adding new facilities, and replacing old facilities, and
(B) provide diplomats access to local popu-
lation and local community officials outside of United States fa-
dilities, particularly in volatile environments where a flexi-
bility and timely diplomatic response can be decisive in preventing and addressing con-
flict.

(2) Diplomats routinely put themselves and their families at great personal risk to serve their country overseas where they face threats related to international terrorism, violent conflict, and public health.

(3) The Department has a remarkable record of protecting personnel while enabling an enormous amount of global diplo-
matic activity, often in insecure and remote places and facing a variety of evolving risks and threats. With support from Congress, the Department of State has revised policy, im-
proved physical security through retrofitting old facilities, added additional security personnel and armored vehi-

cles, and greatly enhanced training require-
ments and training facilities, including the Foreign Affairs Security Training Cen-
ter in Blackstone, Virginia.

(4) Diplomatic missions rely on robust staffing and ambitious external engagement to advance United States interests as diverse as competing with China’s malign influence around the world, fighting terrorism and transnational organized crime, preventing and addressing violent conflict and humanitarian disasters, promoting United States businesses and trade, protecting the rights of marginalized groups, addressing climate change, and preventing pandemic disease.

(5) Efforts to protect personnel overseas have often resulted in inhibiting diplomatic activity and limiting engagement between embassy personnel and local governments and populations.

(6) Given that Congress currently provides annual appropriations in excess of $10,000,000,000 for embassy security, construc-
tion, and maintenance, the Department should be able to ensure a robust overseas presence without inhibiting the ability of diplo-
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(7) Given these stakes, Congress has a re-
ponsibility to empower, support, and hold the Department accountable for imple-
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“(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend that the Secretary investigate accountability for United States Government personnel with security-related responsibilities under chief of mission authority;”;

(B) by redesigning paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following:

“(4) to support a culture of risk management, instead of risk avoidance, that enables the Department of State to pursue its vital goals while acknowledging that it is neither desirable nor possible for the Department to avoid all risks;”;

(2) BRIEFINGS ON EMBASSY SECURITY.—Section 301(b)(1) of the Diplomatic Security Act of 1986 (22 U.S.C. 481) is amended—

(A) by striking “any plans to open or re-

open a high risk, high threat post” and inser-
ting “progress towards opening or reopening a high risk, high threat post, and the risk to national security of the continued closure or any suspension of operations, assistance, or support”;

(B) in subparagraph (A), by inserting “the risk to United States national security of the post’s continued closure or suspension of operations, assistance, or support”;

(C) in subparagraph (C), by inserting “the type and level of security threats such post could encounters,” and before “security threats” “‘tripwires’”;

(d) SECURITY REVIEW COMMITTEES.—

(1) IN GENERAL.—Section 301 of the Diplomatic Security Act of 1986 (22 U.S.C. 481) is amended—

(A) in the section heading, by striking “AC-

COUNTABILITY REVIEW BOARDS” and inserting “SECURITY REVIEW COMMITTEES”;

(B) in subsection (a)–

(i) in paragraph (1) to read as follows:

“(1) CONVENING THE SECURITY REVIEW COMMITTEE.—In any case of a serious security incident involving loss of life, serious injury, or significant destruction of property at, or related to, a United States Government diplomatic mission abroad (referred to in this title as a ‘Serious Security Incident’), and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government diplomatic mission abroad, the Secretary of State shall convene a Security Review Committee, which shall issue a report providing a full account of what occurred, consistent with section 303;

(ii) in paragraph (2) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the follow-
ing:

“(2) COMMITTEE COMPOSITION.—The Secretary shall designate a Chairperson and may designate additional personnel of comparable seniority to serve on the Security Review Committee, which shall include—

(A) the Director of the Office of Management Strategy and Solutions;

(B) the Assistant Secretary responsible for the region where the incident occurred;

(C) the Assistant Secretary of State for Diplomatic Security;

(D) the Assistant Secretary of State for Intelligence and Research;

(E) an Assistant Secretary-level representative from any involved United States Government department or agency;

(F) other personnel determined to be necessary or appropriate;”;

(i) in paragraph (3), as redesignated by clause (i); and

(ii) in the paragraph heading, by striking “DEPARTMENT OF DEFENSE FACILITIES AND PERSONNEL” and inserting “EXCEPTIONS TO CONVENING A SECURITY REVIEW COMMITTEE”;

(II) by striking “The Secretary of State is not required to convene a Board in the case” and inserting the following:

“(A) IN GENERAL.—The Secretary of State is not required to convene a Security Review Committee;

(B) if the Secretary determines that the incident involves only causes unrelated to security, such as when the incident at issue is outside of the scope of the Secretary of State’s security responsibilities under section 105;

(C) if the incident is a cybersecurity incident and is covered by other review mechanisms; or

(iv) in the case; and

(III) by striking “In any such case” and inser-
ting the following:

“(B) DEPARTMENT OF DEFENSE INVESTIGA-

TIONS.—In the case of an incident described in subparagraph (A)(iv); and

(E) by adding at the end the following:

“(5) RULES FOR SECURITY REVIEW COMMITTEE.—

(A) IN GENERAL.—The Secretary of State shall promulgate regulations defining the membership and operating procedures for the Security Review Committee and provide such guidance to the Chair and ranking members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representa-

tives as follows:

(1) CONVENING A SECURITY REVIEW COMMITTEE.—

(A) in the subsection heading, by striking “BOARDS” and inserting “SECURITY REVIEW COMMITTEES”;

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

“(1) IN GENERAL.—The Secretary of State shall convene a Security Review Committee no later than 60 days after the occurrence of an incident described in subsection (a)(1), or 60 days after the Department first becomes aware of such an incident, whichever is earlier, except that the 60-day period for convening a Security Review Committee may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary;”;

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

“(c) CONGRESSIONAL NOTIFICATION.—When-

ever the Secretary of State convenes a Security Review Committee, the Secretary shall promptly inform the chair and ranking member of—

(i) the Committee on Foreign Relations of the Senate;

(ii) the Select Committee on Intelligence of the Senate;

(iii) the Committee on Foreign Affairs of the House of Representatives; and

(iv) the Permanent Select Committee on Intelligence of the House of Representatives.

(e) TECHNICAL AND CONFORMING AMEND-

MENTS.—Section 303 of the Diplomatic Security Act of 1986 (22 U.S.C. 4833) is amended—

(1) in the section heading, by striking “AC-

COUNTABILITY REVIEW BOARD” and inserting “SECURITY REVIEW COMMITTEE”;

(2) by striking “a ‘Board’ each place such term appears and inserting “a Security Review Committee”;

(3) by amending section 301 to read as follows:

“SEC. 301. SERIOUS SECURITY INCIDENT INVESTIGA-

TION PROCESS.

(a) INVESTIGATION PROCESS.—

(1) INITIATION OF INCIDENT.—A United States mission shall submit an initial report of a Serious Security Incident not later than 3 days after such incident occurs, whenever feasible, at which time an investiga-

tion of the incident shall be initiated.

(2) INVESTIGATION.—Not later than 10 days after submission of a report pursuant to paragraph (1), the Secretary shall direct the Diplomatic Security Service to assemble an investigative team to investigate the incident and independent incident that occurred. Each investigation under this sub-

section shall cover—

(A) an assessment of what occurred, who perpetrated or is suspected of having per-

petrated the Serious Security Incident, and whether applicable security procedures were followed;

(B) in the event the Serious Security Inci-

dent involved a United States diplomatic compound, motorcade, residence, or other fa-

cility, an assessment of whether adequate se-

curity countermeasures were in effect based on a known threat at the time of the inci-

dent;

(C) if the incident involved an individual or group of officials, employees, or family members under Chief of Mission security responsibilities conducting approved operations or movements outside the United States mis-

sions, an assessment of security briefings and procedures were in place and whether weighing of risk of the oper-

ation or movement took place; and

(D) an assessment of the failure of any officials or employees to follow proce-

dures or perform their duties contributed to the ‘security incident.’

(b) INVESTIGATIVE TEAM.—The investiga-

tive team assembled pursuant to paragraph (2) shall consist of individuals from the Dip-

ломatic Security Service who shall provide an independent examination of the facts sur-

rounding the incident and what occurred.

The Secretary, or the Secretary’s designee, shall review the makeup of the investigative team. If a conflict, appearance of conflict, or lack of independence that could under-

mine the results of the investigation and may remove or replace any members of the team to avoid such an outcome;

(b) REPORT OF INVESTIGATION.—Not later

than 90 days after the occurrence of a Seri-

ous Security Incident, the investigative team investigating the incident shall pre-

pare and submit a Report of Investigation to the Security Review Committee that in-

cludes—

(i) a detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related find-

ings;

(2) a complete and accurate account of the casualties, injuries, and damage result-

ing from the incident; and

(3) a review of security procedures and direc-

tives in place at the time of the incident.

(c) CONFIDENTIALITY.—The investiga-

tive team investigating a Serious Security Inci-

dent shall adopt such procedures with re-

spect to confidentiality as determined nec-

essary, including procedures relating to the collection, classification, declassifica-

tion, and preservation of information relating to national defense, for-

eign foreign, or intelligence matters. The Di-

rector of National Intelligence shall estab-

lish the level of protection required for intel-

ligence information and for information re-

lating to national defense, foreign foreign, or intelligence matters. The Di-

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the Diplomatic Security Act of 1986 (22 U.S.C. 4834) is amended to read as follows:

SEC. 304. SECURITY REVIEW COMMITTEE FINDINGS AND REPORT.

(a) FINDINGS.—The Security Review Committee shall—

(1) review the Report of Investigation prepared pursuant to section 303(b), and all other evidence, reporting, and relevant information relating to a Serious Security Incident at a United States mission abroad, including an examination of the facts and circumstances surrounding any serious injuries, loss of life, or significant destruction of property resulting from the incident; and

(2) determine, in writing—

(A) whether the incident was security related and constituted a Serious Security Incident;

(B) if the incident involved a diplomatic compound, motorcade, residence, or other mission facility—

(i) whether the security systems, security countermeasures, and security procedures operated as intended; and

(ii) whether such systems worked to materially mitigate or were found to be inadequate to mitigate the threat and attack;

(C) if the incident involved an individual or group conducting an approved operation outside the mission, whether a valid process was followed in evaluating the requesting operation and weighing the risk of the operation, which determination shall not seek to assign accountability for the incident unless the Security Review Committee determines that an official breached his or her duty.

(D) the impact of intelligence and information availability, and whether the mission was aware of the general operating threat environment, as specific threat intelligence or information and took that into account in ongoing and specific operations; and

(E) any other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

(b) REPORT.—

(1) SUBMISSION TO SECRETARY OF STATE.—Not later than 60 days after receiving the Report of Investigation prepared pursuant to section 303(b), the Security Review Committee shall submit a report to the Secretary of State that includes—

(A) the findings described in subsection (a); and

(B) any related recommendations.

(2) SUBMISSION TO CONGRESS.—Not later than 90 days after receiving the report pursuant to paragraph (1), the Secretary of State shall submit a copy of the report to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives.

(c) PERSONNEL RECOMMENDATIONS.—If in the course of conducting an investigation under section 303, the investigative team finds evidence that an individual described in section 303(a)(2)(D) has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the Security Review Committee. If the Security Review Committee finds reasonable cause to support the determination, it shall be reported to the Secretary for appropriate action.

(b) RELATION TO OTHER PROCEEDINGS.—Section 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4835) is amended—

(1) by inserting "(a) NO EFFECT ON EXISTING REMEDIES OR DEFENSES.—before "Nothing in this title"; and

(2) by adding at the end the following:

(b) FUTURE INQUIRIES.—Nothing in this title may be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude or significance that an internal or external process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under this title and any related board of inquiry convened by the Secretary.

SEC. 5303. ESTABLISHMENT OF UNITED STATES EMBASSIES IN VANUATU, KIRIBATI, AND TONGA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Pacific Islands are vital to United States national security and national interests in the Indo-Pacific region and globally.

(2) The Pacific Islands region spans 15 percent of the world’s surface area and controls access to open waters in the Central Pacific, sea lanes to the Western Hemisphere, supply lines to United States forward-deployed forces in East Asia, and economically important fisheries.

(3) The Pacific Islands region is home to the State of Hawaii, 11 United States territories, United States Naval Base Guam, and United States Andersen Air Force Base.

(4) Pacific Island countries cooperate with the United States and United States partners on maritime efforts to stop illegal, unreported, and destructive fishing.

(5) The Pacific Islands are rich in biodiversity and are on the frontlines of environmental challenges and climate issues.

(6) The People’s Republic of China (PRC) seeks to increase its influence in the Pacific Islands region, including through infrastructure development under the PRC’s One Belt, One Road Initiative and its new security agreement with the Solomon Islands.

(7) The United States Embassy in Papua New Guinea manages diplomatic affairs of the United States to the Republic of Vanuatu, and the United States Embassy in Fiji manages the diplomatic affairs of the United States to the Republic of Kiribati and the Kingdom of Tonga.

(8) The United States requires a physical diplomatic presence in the Republic of Vanuatu as soon as possible.

(b) FUTURE INQUIRIES.—Nothing in this title may be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude or significance that an internal or external process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under this title and any related board of inquiry convened by the Secretary.

SEC. 5401. REPORT ON BARRIERS TO APPLYING FOR EMPLOYMENT WITH THE DEPARTMENT OF STATE.

Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that—

(1) identifies any barriers for applicants applying for employment with the Department;

(2) provides demographic data of online applicants during the most recent 3 years during which the barriers were identified by race, age, veteran status, disability, geographic region;

(3) assesses any barriers that exist for applying online for employment with the Department that are disparaged by race, ethnicity, sex, age, veteran status, disability, geographic region; and

(4) recommends solutions to such barriers.
(1) to advance the values and interests of the United States overseas through programs that foster innovation, competitiveness, and a diversity of backgrounds, views, and professional excellence in the formulation and implementation of United States foreign policy and assistance; and
(2) to create opportunities for specialized research, education, and professional development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.

(b) STUDY.—
(1) IN GENERAL.—The Secretary and the Administrator of USAID shall conduct a study on the feasibility of establishing Centers of Excellence in Foreign Affairs and Assistance (referred to in this section as the “Centers of Excellence”) within institutions that serve individuals belonging to an underrepresented group to focus on 1 or more of the areas described in paragraph (2).
(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary and the Administrator, respectively, shall consider—
(A) opportunities to enter into public-private partnerships that will—
(i) increase diversity in foreign affairs and foreign assistance Federal careers;
(ii) prepare a diverse cadre of students (including nontraditional, mid-career, part-time, and heritage students) and nonprofit or business professionals with the skills and knowledge needed to contribute to the formulation and execution of United States foreign policy and assistance;
(iii) support the conduct of research, education, and extension programs that reflect diverse perspectives and a wide range of views of world regions and international affairs;
(iv) assist in the development of regional and functional foreign policy skills; and
(v) strengthen international development and humanitarian assistance programs; and
(B) to strengthen international development and humanitarian assistance programs; and
(iii) support the conduct of research, education, and extension programs that reflect diverse perspectives and a wide range of views of world regions and international affairs.

(ii) to create opportunities for specialized research, education, and professional development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.

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(1) IN GENERAL.—The Secretary and the Administrator shall conduct a study on the feasibility of establishing Centers of Excellence in Foreign Affairs and Assistance (referred to in this section as the “Centers of Excellence”) within institutions that serve individuals belonging to an underrepresented group to focus on 1 or more of the areas described in paragraph (2).
(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary and the Administrator, respectively, shall consider—
(A) opportunities to enter into public-private partnerships that will—
(i) increase diversity in foreign affairs and foreign assistance Federal careers;
(ii) prepare a diverse cadre of students (including nontraditional, mid-career, part-time, and heritage students) and nonprofit or business professionals with the skills and knowledge needed to contribute to the formulation and execution of United States foreign policy and assistance;
(iii) support the conduct of research, education, and extension programs that reflect diverse perspectives and a wide range of views of world regions and international affairs.

(ii) to create opportunities for specialized research, education, and professional development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.

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(iii) support the conduct of research, education, and extension programs that reflect diverse perspectives and a wide range of views of world regions and international affairs.

(ii) to create opportunities for specialized research, education, and professional development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.
the Institute for Transatlantic Engagement (referred to in this section as the "Institute").

(b) PURPOSE.—The purpose of the Institute shall be to strengthen national security by highlighting, to a geographically diverse set of populations from the United States, Canada, and European nations, the importance of the transatlantic relationship and the threats posed by adversarial countries, such as the Russian Federation and the People’s Republic of China, to democracy, free-market economic principles, and human rights, with the aim that lessons learned from the Institute will be shared across the United States and Europe.

(c) DIRECTOR.—The Institute shall be headed by a Director, who shall have expertise in transatlantic policy development and diverse populations in the United States and Europe.

(d) SCOPE AND ACTIVITIES.—The Institute shall—

(1) strengthen knowledge of the formation and implementation of transatlantic policies critical to national security, including the threats posed by the Russian Federation and the People’s Republic of China;

(2) increase awareness of the roles of government and nongovernmental actors, such as multinational corporations, civil society actors, academia, think tanks, and philanthropic institutions, in transatlantic policy development and execution;

(3) enhance the skills, abilities, and effectiveness of government officials at national and international levels;

(4) increase awareness of the importance of, and interest in, international public service careers;

(5) annually invite not fewer than 30 individuals to participate in programs of the Institute;

(6) not less than 3 times annually, convene representatives of the Government of the United States, the Government of Canada, and of governments of European nations for a program offered by the Institute that is not less than 2 days in duration; and

(7) develop metrics to track the success and efficacy of the program.

(e) ELIGIBILITY TO PARTICIPATE.—Participants in the programs of the Institute shall include government officials—

(1) serving at national, regional, or local levels in the United States, Canada, and European nations; and

(2) who represent geographically diverse backgrounds or constituencies in the United States, Canada, and Europe.

(f) SELECTION OF PARTICIPANTS.—

(1) UNITED STATES PARTICIPANTS.—Participants from the United States shall be appointed in an equally divided manner by—

(A) and ranking members of the appropriate congressional committees;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives;

(C) the Majority Leader of the Senate and the Minority Leader of the Senate.

(2) CANADIAN PARTICIPANTS.—Participants from Europe and Canada shall be appointed by the Secretary, in consultation with—

(A) the Chairpersons and ranking members of the appropriate congressional committees;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives;

(C) the Majority Leader of the Senate and the Minority Leader of the Senate.

(g) RESTRICTIONS.—

(1) Digital representation.—Participants in the Institute may not be paid a salary for such participation.

(2) REIMBURSEMENT.—The Institute may pay or reimburse participants for reasonable travel, lodging, and food in connection with participation in the program.

(3) TRAVEL.—Authorization to be appropriated under subsection (b) may be used for travel for Members of Congress to participate in Institute activities.

(h) AUTHORIZATION.—There is authorized to be appropriated up to $750,000 for fiscal year 2023 to carry out this section.

SEC. 5405. RULE OF CONSTRUCTION.

Nothing in this division may be construed as altering existing law regarding merit system principles.

TITLE LV—INFORMATION SECURITY AND CYBER DIPLOMACY

SEC. 5501. UNITED STATES INTERNATIONAL CYBERSPACE POLICY.

(a) IN GENERAL.—It is the policy of the United States—

(1) to work internationally to promote an open, interoperable, reliable, and secure internet governed by the multi-stakeholder model, which—

(A) promotes democracy, the rule of law, and human rights, including freedom of expression;

(B) supports the ability to innovate, communicate, and promote economic prosperity; and

(C) is designed to protect privacy and guard against deceptive, malign influence, incitement to violence, harassment and abuse, fraud, and theft;

(2) to cooperate with United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressures; and

(3) in furtherance of the efforts described in paragraphs (1) and (2)—

(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(C) to enhance United States leadership in technical and standard-setting bodies and avenues for developing norms regarding the use of digital tools.

(b) IMPLEMENTATION.—In implementing the policy described in subsection (a), the President, in consultation with outside actors, as appropriate, including private sector companies, nongovernmental organizations, security researchers, and other relevant stakeholders, in the conduct of bilateral and multilateral relations, shall strive—

(1) to clarify the applicability of international laws and norms to the use of information and communications technology (referred to in this subsection as "ICT");

(2) to reduce and limit the risk of escalation of cyber activities, damage to critical infrastructure, and other malicious cyber activity that impairs the use and operation of critical infrastructure that provides services to the public;

(3) to cooperate with like-minded countries that share common values and cybersecurity policies with the United States, including respecting and reflecting the rule of law, to advance such values and policies internationally;

(4) to encourage the responsible development of new ICT technologies and ICT products that strengthen a secure internet architecture that is accessible to all;

(5) to secure and implement commitments on responsible behavior in cyberspace, including commitments by countries—

(A) not to conduct, or knowingly support, cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors;

(B) to take all appropriate and reasonable efforts to keep their territories clear of international activities that harms the information systems of the United States and its allies;

(C) not to conduct or knowingly support ICT activity that intentionally damages or otherwise impairs the operation of critical infrastructure providing services to the public, in violation of international law;

(D) to take appropriate measures to protect the country’s critical infrastructure from ICT threats;

(E) not to conduct or knowingly support malicious international activity that harms the information systems of the United States and its allies;

(F) to respond to appropriate requests for assistance to mitigate malicious ICT activity emanating from their territory and aimed at the critical infrastructure of another country; and

(G) not to restrict cross-border data flows or require local storage or processing of data; and

(H) to protect the exercise of human rights and fundamental freedoms on the internet, while recognizing that the exercise of human rights that people have offline also need to be protected online; and

(6) to advance, encourage, and support the development and adoption of internationally recognized technical standards and best practices.

SEC. 5502. BUREAU OF CYBERSPACE AND DIGITAL POLICY.

(a) IN GENERAL.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), is amended—

(1) by redesignating subsections (i) and (j) as subsection (j) and (k), respectively;

(2) by redesignating subsection (h) (as added by section 361(a)(1) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260)) as subsection (i); and

(3) by inserting after subsection (h) the following:

"(b) BUREAU OF CYBERSPACE AND DIGITAL POLICY.—"

"(1) IN GENERAL.—There is established, within the Department of State, the Bureau of Cyberspace and Digital Policy (referred to in this subsection as the ‘Bureau’). The head of the Bureau shall have the rank and status of an ambassador and shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DUTIES.—"

"(B) DUTIES DESCRIBED.—The head of the Bureau shall perform such duties and exercise such powers as the Secretary of State shall prescribe, including implementing the diplomatic and foreign policy aspects of the policy described in section 5501(a) of the Department of State Authorization Act of 2022.

"(c) BUREAU OF CYBERSPACE AND DIGITAL POLICY.—The principal duties and responsibilities of the head of the Bureau shall, in furtherance of the diplomatic and foreign policy mission of the Department, be—"

"(i) to serve as the principal cyberspace policy official within the senior management of the Department of State and as the advisor to the Secretary of State for cyberspace affairs;

(ii) to lead, coordinate, and execute, in coordination with other relevant bureaus..."
and offices, the Department of State’s diplomatic cyberspace, and cybersecurity efforts (including efforts related to data privacy, data flows, internet governance, information and communications technology standards, and other issues that the Secretary has assigned to the Bureau); (iii) to coordinate with relevant Federal agencies and the National Cyber Director to ensure the diplomatic and foreign policy aspects of the cyber strategy in section 5501 of the Department of State Authorization Act of 2022; (iv) to promote an open, interoperable, reliable, and secure internet and information and communications technology infrastructure globally; (v) to implement relevant executive branch agency and partner cybersecurity activities to strengthen and protect the United States against cyber-enabled threats, including cyberattacks on United States individuals, businesses, government agencies, and other organizations; (vi) to promote cross-border flow of data and combat international initiatives seeking to impose unreasonable national security-level requirements on United States businesses; (vii) to promote international policies to promote the integrity of United States and international telecommunications infrastructure from foreign-based threats, including cyber-enabled threats; (viii) to lead engagement, in coordination with relevant Federal agencies, with foreign governments on relevant international cybersecurity, cybercrime, and digital economy issues described in title V of the Department of State Authorization Act of 2022; (ix) to promote an international regulatory environment for technology investments and the internet that benefits United States economic and national security interests; (x) to promote international policies to protect the integrity of the United States and international telecommunications infrastructure from foreign-based threats, including cyber-enabled threats; (xi) to promote an open, interoperable, reliable, and secure internet and information and communications technology infrastructure globally; (xii) to promote cross-border flow of data and combat international initiatives seeking to impose unreasonable national security-level requirements on United States businesses; (xiii) to promote international policies to promote the integrity of United States and international telecommunications infrastructure from foreign-based threats, including cyber-enabled threats; (xiv) to lead engagement, in coordination with relevant Federal agencies, with foreign governments on relevant international cybersecurity, cybercrime, and digital economy issues described in title V of the Department of State Authorization Act of 2022; (xv) to promote international policies to secure radio frequency spectrum in the best interests of the United States; (xvi) to promote and protect the exercise of human rights, including freedom of speech and religion, through the internet; (xvii) to build capacity of United States diplomatic officials to engage on cyberspace issues; (xviii) to encourage the development and adoption of internationally recognized standards, policies, and best practices; (xix) to support efforts by the Global Engagement Center to counter cyber-enabled information operations against the United States or its allies and partners; and (xx) to review other matters as the Secretary of State may assign.

(3) QUALIFICATIONS.—The head of the Bureau should be an individual of demonstrated competency in the fields of— (A) cybersecurity and other relevant cyberspace and information and communications technology policy issues; and (B) international advocacy.

(4) ORGANIZATIONAL PLACEMENT.— (A) INITIAL PLACEMENT.—Except as provided in paragraph (b), the head of the Bureau shall report to the Deputy Secretary of State. (B) SUBSEQUENT PLACEMENT.—The head of the Bureau may report to an Under Secretary of State or to an official holding a higher position than Under Secretary if, not later than 15 days before any change in such reporting structure, the Secretary of State— (i) consults with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and (ii) submits a report to such committees that— (I) indicates that the Secretary, with respect to the reporting structure of the Bureau, has consulted with and solicited feedback from— (aa) other relevant Federal entities with a role in international aspects of cyber policy; and (bb) the elements of the Department of State with responsibility for aspects of cyber policy, including the elements reporting to— (AAA) the Under Secretary of State for Political Affairs; (BB) the Under Secretary of State for Civilian Security, Democracy, and Human Rights; (CC) the Under Secretary of State for Economic Growth, Energy, and the Environment; (DD) the Under Secretary of State for Arms Control and International Security Affairs; (EE) the Under Secretary of State for Management and Resources; (FF) the Under Secretary of State for Public Diplomacy and Public Affairs; (GG) the Under Secretary of State for Global Communications; and (HH) the Under Secretary of State for Economic and Financial Affairs; (III) includes a plan describing how the elements of the Department with regard to foreign and international norms regarding cyberspace of— (aa) the Department with regard to foreign and international norms regarding cyberspace of— (AA) United States national security; (BB) the Federal and private sector cyberactivity; (CC) the degree to which such tools have been used; and (DD) the privacy and security of citizens of the United States; (E) the review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private sectors acting on behalf of such countries; (F) the review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private sectors acting on behalf of such countries; (G) the implementation of cyber diplomacy, and joint investigatory and law enforcement operations related to cybercrime; and (H) to share best practices and advance proposals to strengthen civilian and private sector resiliency to threats and access to opportunities in cyberspace; and (ii) such a review includes a description of— (aa) the status of existing efforts in relevant multilateral fora, as appropriate, to obtain commitments on international norms regarding cyberspace; (bb) a review of alternative concepts for international norms regarding cyberspace offered by foreign countries; (cc) a detailed description, in consultation with the Office of the National Cyber Director and relevant Federal agencies, of new and evolving threats regarding cyberspace from foreign adversaries, state-sponsored actors, and non-state actors to— (AA) United States national security; (BB) the Federal and private sector cyberspace infrastructure of the United States; (CC) United States critical infrastructures in the United States; and (DD) the privacy and security of citizens of the United States; (iii) a review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private sectors acting on behalf of such countries; (iv) the review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private sectors acting on behalf of such countries; (v) the review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private sectors acting on behalf of such countries; (vi) the review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private sectors acting on behalf of such countries; 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(xxii) the review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private sectors acting on behalf of such countries.
(C) whether such tools have been effective deterrents;

(6) a review of resources required to conduct activities to build responsible norms of international behavior;

(7) a review, in coordination with the Office of the National Cyber Director and the Office of Management and Budget, to determine whether the framework described in paragraphs (4) and (5) is adequately staffed and funded by the Department to support the policy described in section 5501(a);

(8) a review to determine whether the Department is properly organized and coordinated to implement the objectives described in section 5501(b); and

(9) a plan of action, developed in consultation with relevant Federal departments and agencies as the President may direct, to guide the diplomacy of the Department with respect to the inclusion of cyber issues in mutual defense agreements.

(c) FORM OF STRATEGY.—

(1) PUBLIC AVAILABILITY.—The strategy required under subsection (a) shall be available to the public at least 30 days before being published in the Federal Register.

(2) CLASSIFIED ANNEX.—The strategy required under subsection (a) may include a classified annex.

(d) BRIEFING.—Not later than 30 days after the completion of the strategy required under subsection (a), the Secretary shall brief the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Armed Services of the Senate, the Committee on Governmental Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Armed Services of the House of Representatives regarding the strategy, including any material contained in a classified annex.

(e) UPDATES.—The strategy required under subsection (a) shall be updated—

(1) not later than 90 days after any material change to United States policy described in such strategy; and

(2) not later than that year after the inauguration of each new President.

SEC. 5505. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CYBER DIPLOMACY.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress requesting to brief the appropriate congressional committees that includes—

(1) an assessment of the extent to which United States diplomatic processes and other efforts with foreign countries, including through multilateral fora, bilateral engagements, and negotiated cyberspace agreements, enhance the full range of United States interests regarding cyberspace, including the policy described in section 5501(a);

(2) an assessment of the Department’s organizational structure and approach to managing its diplomatic efforts to advance the full range of United States interests regarding cyberspace, including a review of—

(A) the establishment of a Bureau within the Department to lead the Department’s international cyber mission;

(B) the current or proposed diplomatic mission, structure, staffing, funding, and activities of such Bureau;

(C) how the establishment of such Bureau has impacted or is likely to impact the structure and organization of the Department; and

(D) what challenges, if any, the Department has faced or will face in establishing such Bureau; and

(3) any other matters that the Comptroller General determines appropriate.

SEC. 5506. REPORT ON DIPLOMATIC PROGRAMS TO DETECT AND RESPOND TO CYBER THREATS AGAINST ALLIES AND PARTNERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of other relevant Federal agencies, shall submit a report to the appropriate congressional committees that assesses the capabilities of the Department to provide support for acute cyber incident response in ally and partner countries that includes—

(1) a description and assessment of the Department’s coordination with cyber programs and operations of the Department of Defense and the Department of Homeland Security;

(2) recommendations on how to improve coordination and executive of Department involvement in programs or operations to support allies and partners in responding to acute cyber incidents; and

(3) the budgetary resources, technical expertise, legal authorities, and personnel needed for the Department to formulate and implement the programs described in this section.

SEC. 5507. CYBERSECURITY RECRUITMENT AND RETENTION STRATEGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that improving computer programming language proficiency will improve—

(1) the cybersecurity effectiveness of the Department; and

(2) the ability of foreign service officers to engage with foreign audiences on cybersecurity matters.

(b) TECHNOLOGY TALENT ACQUISITION.—

(1) ESTABLISHMENT.—The Secretary shall establish positions within the Bureau of Global Talent Management that are solely dedicated to the recruitment and retention of Department personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy.

(2) GOALS.—The goals of the positions described in paragraph (1) are to—

(A) reduce the attrition rate referred to in paragraph (5) by 5 percent each year,

(B) provide appropriate language incentive pay,

(C) hire additional 10 percent of senior officials; and

(D) increase the number of qualified candidates available to fulfill the cybersecurity needs of the Department, the Secretary shall—

(1) include computer programming languages within the Recruitment Language Program; and

(2) provide appropriate language incentive pay.

(c) LANGUAGE PROGRAM AND INCENTIVE PAY FOR SENIOR OFFICIALS.

(1) The Secretary should ensure that—

(A) during the first year that the course described in paragraph (a) is offered, not fewer than 20 percent of senior officials are certified as having passed such course; and

(B) in each subsequent year, until the date on which 80 percent of senior officials are certified as having passed such course, an additional 10 percent of senior officials are certified as having passed such course.

SEC. 5508. ESTABLISHMENT AND EXPANSION OF REGIONAL TECHNOLOGY OFFICER PROGRAM.

(a) REGIONAL TECHNOLOGY OFFICER PROGRAM.

(1) ESTABLISHMENT.—The Secretary shall establish a program, which shall be known as
the “Regional Technology Officer Program” (referred to in this section as the “Program”).

(2) GOALS.—The goals of the Program shall include—

(A) Promoting United States leadership in technology abroad.

(B) Working with partners to increase the deployment of critical and emerging technology in support of democratic values.

(C) Shaping diplomatic agreements in regional and international fora with respect to critical and emerging technologies.

(D) Building diplomatic capacity for handling critical and emerging technology issues.

(E) Facilitating the role of critical and emerging technology in advancing the foreign policy objectives of the United States through engagement with research labs, incubators, and venture capitalists.

(F) Maintaining the advantages of the United States with respect to critical and emerging technologies.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit an implementation plan to the appropriate congressional committees that outlines strategies for—

(1) advancing the goals described in subsection (a);

(2) hiring Regional Technology Officers and increasing the competitiveness of the Program within the Foreign Service bidding process;

(3) expanding the Program to include a minimum of 15 Regional Technology Officers; and

(4) assigning not fewer than 2 Regional Technology Officers to posts with—

(A) each regional bureau of the Department; and

(B) the Bureau of International Organization Affairs.

(c) ANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall brief the appropriate congressional committees regarding the status of the implementation plan required under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $25,000,000 for each of the fiscal years 2023 and 2024 to carry out this section.

SEC. 5509. VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PROGRAM REPORT.

(a) DEFINITIONS.—In this section:

(1) BUG BOUNTY PROGRAM.—The term “bug bounty program” means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.

(2) INFORMATION TECHNOLOGY.—The term “information technology” has the meaning given in section 1101 of title 40, United States Code.

(b) VULNERABILITY DISCLOSURE POLICY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Policy (referred to in this section as the “VDP”) to improve Department cybersecurity by—

(A) creating Department policy and infrastructure to receive reports of and remediate discovered vulnerabilities in line with existing policies of the Office of Management and Budget and the Department of Homeland Security Binding Operational Directive 20-01 or any successor; and

(B) providing a report on such policy and infrastructure to Congress.

(2) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP pursuant to paragraph (1), and annually thereafter for the following 5 years, the Secretary shall submit a report on the VDP to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that includes information relating to—

(A) the number and severity of all security vulnerabilities reported;

(B) the number of previously unidentified security vulnerabilities remediated as a result;

(C) the current number of outstanding previously unidentified security vulnerabilities and department State remediation plans;

(D) the average time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(E) the resources, large staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation;

(F) how the discovered vulnerabilities are incorporated into existing Department vulnerability prioritization and management processes;

(G) any challenges in implementing the VDP and plans for expansion or contraction in the scope of the VDP across Department information systems; and

(H) any other topic that the Secretary determines to be relevant.

(c) BOSS BOUNTY PROGRAM REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress that describes any ongoing efforts by the Department or a third-party vendor under contract with the Department to establish or carry out a bug bounty program that identifies security vulnerabilities in internet-facing information technology of the Department.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to—

(A) the House of Representatives, and the Committee on Foreign Affairs of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security of the House of Representatives regarding such program, including information relating to—

(i) the number of approved individuals, organizations, or companies involved in such program;

(ii) the number of submitted security vulnerabilities; and

(iii) submitted security vulnerabilities and received compensation;

and

(B) the number and severity of all security vulnerabilities reported as part of such program;

(C) the number of previously unidentified security vulnerabilities remediated as a result of such program;

(D) the current number of outstanding previously unidentified security vulnerabilities and department State remediation plans for such outstanding vulnerabilities;

(E) the average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities; and

(F) the types of compensation provided under such program;

(G) the lessons learned from such program;

(H) the public accessibility of contact information for the Department regarding the bug bounty program;

(I) the incorporation of bug bounty program identified vulnerabilities into existing Department vulnerability prioritization and management processes; and

(J) any other topic that the Secretary determines to be relevant.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $20,000,000 to the Department for United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

SEC. 5602. PRESS FREEDOM CURRICULUM.

The Secretary shall ensure that there is a press freedom curriculum for the National Foreign Affairs Training Center that enables Foreign Service officers to better understand issues of press freedom and the tools that are available to help protect journalists and promote freedom of the press norms, which may include—

(1) the historic and current issues facing press freedom, including countries of specific concern;

(2) the Department’s role in promoting press freedom as an American value, a human rights issue, and a national security imperative;

(3) ways to incorporate press freedom promotion into other aspects of diplomacy; and

(4) existing tools to assist journalists in distress and methods for engaging foreign governments and institutions on behalf of individuals engaged in journalistic activity who are at risk of harm.

SEC. 5603. GLOBAL ENGAGEMENT CENTER.

(a) IN GENERAL.—Section 1287(f) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended by striking “the date that is 8 years after the date of the enactment of this Act” and inserting “December 31, 2027”.

(b) AUTHORIZATION FOR GLOBAL ENGAGEMENT CENTER.—Notwithstanding any other provision of law, the Secretary, during the 5-year period beginning on the date of the enactment of this Act, shall carry out the functions of the Global Engagement Center described in section 1287(b) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656).
(2) fix the basic compensation of such employees regarding classification and General Schedule pay rates.

SEC. 5604. UNDER SECRETARY FOR PUBLIC DI-
MENSIONS.

Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—
(1) in subparagraph (D), by striking “and” at the end;
(2) in subparagraph (E), by striking the peri-

ded at the end and inserting “; and”; and
(3) in paragraph (4), by striking the fol-

owing: “(F) coordinate the allocation and man-
agement of the financial and human re-
sources for public diplomacy, including for-
“(i) the Bureau of Educational and Cul-

TURAL AFFAIRS;
“(ii) the Bureau of Global Public Affairs;
“(iii) the Office of Policy, Planning, and
Resources for Public Diplomacy and Public
Affairs;”
(4) in paragraph (5), by striking “; and” at the end of
paragraph (5) and inserting “; and”;
and
(5) in paragraph (6), by striking “.” and inserting “.”

TITLe LVII—OTHER MATTERS

SEC. 5701. SUPPORTING THE EMPLOYMENT OF UNITED STATES CITIZENS BY INTER-
ATIONAL ORGANIZATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the Department should continue to eliminate the unreasonable barriers United States nationals face to obtain employment in the United Nations Secretariat, funds, programs, and agencies; and
(2) the Department should bolster efforts to increase the number of qualified United States nationals who are candidates for lead-
ership and oversight positions in the United Nations system, agencies, and commissions, and in other international organizations.

(b) In GENERAL.—The Secretary is author-
ized to promote the employment and ad-
vancement of United States citizens by international organizations and bodies, in- cluding by—
(1) providing stipends, consultation, and
analytical services to support United States citizen applicants; and
(2) making grants for the purposes de-
scribed in paragraph (1).

(c) USING EXISTING PROGRAMS FUNDING TO PROMOTE THE EMPLOYMENT OF UNITED STATES CITIZENS BY INTERNATIONAL ORGANIZATIONS.—Amounts appropriated under the heading “Other Than USAID Programs” in Acts making appropriations for the Department of State, Foreign Operations, and Related Programs are authorized to be appropriated for grants, programs, and activities de-
scribed in subsection (b).

(d) STRATEGY TO ESTABLISH JUNIOR PRO-
FESSIONAL PROGRAM.—
(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Sec-
retary of the Treasury and other relevant cabinet members, shall publish a strategy for encouraging United States citizens to pursue careers with international organizations, particularly organizations that—
(A) set international scientific, technical, or commercial standards; or
(B) are involved in international finance and development.

(2) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and the other relevant cabinet members, shall submit a report to the appropriate congressional committees that identifies—
(A) the number of United States citizens who apply in relevant junior professional programs in an international organi-

ization;
(B) the distribution of individuals de-
scribed in subparagraph (A) among various international organizations; and
(C) the types of prediplomacy training that are available to United States citizens through a junior professional program at an international organization.

SEC. 5702. INCREASED HOMESAVABILITY AVAIL-
ABILITY OF AID MAID EMPLOYEES AS-
IGNED TO THE UNITED STATES MISSION TO THE UNITED NATIONS.

Section 5602 of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1(2), as amended by striking “30” and inserting “41”.

SEC. 5703. LIMITATION ON UNITED STATES CON-
TRIBUTIONS TO PEACEKEEPING OPER-
ATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUN-
CIL.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by add-
ing at the end the following:

“SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

“None of the funds authorized to be appro-
priated or otherwise made available to pay assessed and other expenses of international peacekeeping operations under this Act may be made available for an international peace-
keeping operation that has not been ex-
pressly authorized by the United Nations Secu-

rity Council.”

SEC. 5704. BOARDS OF RADIO FREE EUROPE/ RADI0 FREE ASIA, THE UNITED EAST BROADCASTING NETWORKS, AND THE OPEN TECH-
NOLOGY FUND.

The United States International Broad-
casting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 306 (22 U.S.C. 6205) the following:

“SEC. 307. GRANTEE CORPORATE BOARDS OF DI-
RIGERS.

“(1) IN GENERAL.—The corporate board of
directors of each grantee under this title—
“(1) shall be bipartisan;
“(2) shall, except as otherwise provided in this Act, have the sole responsibility to oper-
rate their respective grantees within the jur-
isdiction of their respective States of incor-
poration;
“(3) shall be composed of not fewer than 5
members, who shall be qualified individuals
who are not employed in the public sector; and
“(4) shall appoint successors in the event of
vacancies on their respective boards, in accord-
ance with applicable bylaws.

“(b) NON-FEDERAL EMPLOYEES.—No em-
ployee of any grantee under this title may be a Federal employee.”

SEC. 5705. BROADCASTING ENTITIES NO LONGER REQUI-
RED TO CONSOLIDATE INTO A SINGLE PRIVATE, NONPROFIT COR-
PORATION.

Section 310 of the United States Interna-
tional Broadcasting Act of 1994 (22 U.S.C. 6209) is repealed.

SEC. 5706. INTERNATIONAL BROADCASTING AC-
TIVITIES.

Section 305(a) of the United States Inter-
national Broadcasting Act of 1994 (22 U.S.C. 629(a)) is amended—
(1) by striking paragraph (20);
(2) by redesigning paragraphs (21), (22),
and (23) as paragraphs (20), (21), and (22), re-
spectively; and
(3) in paragraph (20), as redesignated, by striking “or between grantees,”

SEC. 5707. GLOBAL INTERNET FREEDOM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Internet freedom through grants under the Depart-
ment and USAID that preserve and expand the internet as an open, global space for free-
dom of expression and association, which shall be prioritized for countries—
(1) whose governments restrict freedom of expression on the internet; and
(2) whose governments restrict freedom of expression on the internet for the national interest of the United States.

(b) PURPOSE AND COORDINATION WITH OTHER PROGRAMS.—Global internet freedom pro-
grammimg under this section—
(1) shall be coordinated with other United States foreign assistance programs that pro-
mote democracy and support the efforts of civil society—
(A) to counter the development of repres-
sive internet-related laws and regulations,
including countering threats to internet freedom at international organizations;
(B) to combat violence against bloggers and other civil society activists who utilize the internet; and
(C) to enhance digital security training and capacity building for democracy activ-
ists;
(2) shall seek to assist efforts—
(A) to research key threats to internet freedom;
(B) to continue the development of tech-
nologies that provide or enhance access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used by authori-
ties to obtain information from the public;
(C) to maintain the technological advan-
tage of the Federal Government over the censorship techniques described in subpara-
graph (B); and
(3) shall be incorporated into country assis-
tance and democracy promotion strate-
gies, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated for fiscal year 2025—
(1) $75,000,000 to the Department and USAID, to continue efforts to promote inter-
net freedom globally, and shall be matched, to the maximum extent practicable, by sources other than the Federal Government, including the private sector; and
(2) $9,000,000 to the United States Agency for Global Media (referred to in this section as the “USAGM”) and its grantees, for inter-
net freedom and circumvention technologies that are designed—
(A) for open-source tools and techniques to securely develop and distribute digital con-
tent produced by the USAGM and its grante-
es; (B) to facilitate audience access to such digital content on websites that are censored;
(C) to coordinate the distribution of such digital content to targeted regional audi-
ces; and
(D) to promote and distribute such tools and techniques, including digital security tech-
niques.

(d) UNITED STATES AGENCY FOR GLOBAL MEDIA ACTIVITIES.—

(1) ANNUAL CERTIFICATION.—For any new tools or techniques authorized under sub-
section (c), the Chief Executive Officer of the USAGM, in consultation with the Presi-
dent of the Open Technology Fund (referred to in this subsection as the “OTP”) and rel-
ed Federal departments and agencies, shall submit an annual certification to the appropriate congressional committees that verifies they—
(A) have evaluated the risks and benefits of such new tools or techniques; and
(B) have established safeguards to mini-
mize the use of such new tools or techniques for unintended purposes.

(2) INFORMATION SHARING.—The Secretary may not direct programs or policy of the

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USAID or the OTP, but may share any research and development with relevant Federal departments and agencies for the exclusive purposes of—

1. sharing information, technologies, and best practices; and

2. assessing the effectiveness of such technologies.

3. UNITED STATES AGENCY FOR GLOBAL MEDIA.—The Chief Executive Officer of the USAID, in consultation with the President of the OTP, shall—

(A) coordinate international broadcasting programs and incorporate such programs into country broadcasting strategies, as appropriate;

(B) solicit project proposals through an open, transparent, and competitive application process, including by seeking input from technical and subject matter experts; and

(C) support internet circumvention tools and techniques for audiences in countries that are strategic priorities for the OTP, in accordance with USAID’s annual language service prioritization review.

(e) USAID REPORT.—Not later than 120 days after the date of the enactment of this Act, the Chief Executive Officer of the USAID shall submit a report to the appropriate congressional committees that describes—

1. as of the date of the report—

(A) the full scope of internet freedom programs within the USAID, including—

(i) reports of the Office of Internet Freedom; and

(ii) the efforts of the Open Technology Fund;

(B) the capacity of internet censorship circumvention tools supported by the Office of Internet Freedom and grantees of the Open Technology Fund that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to the provision of the efforts described in clauses (i) and (ii) of subparagraph (A), including access to surge funding; and

2. successful examples from the Office of Internet Freedom and Open Technology Fund involving—

(A) responding rapidly to internet shutdowns in closed societies; and

(B) ensuring uninterrupted circumvention services to support U.S. entities to promote internet freedom within repressive regimes.

(f) JOINT REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretaries of State and the Administrator of USAID shall jointly submit a report, which may include a classified annex, to the appropriate congressional committees that describes—

1. as of the date of the report—

(A) the full scope of internet freedom programs within the Department and USAID, including—

(i) Department circumvention efforts; and

(ii) USAID efforts to support internet infrastructure projects in countries seeking to counteract censors; and

(B) the capacity of internet censorship circumvention tools supported by the Federal Government that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to the provision of efforts described in clauses (i) and (ii) of paragraph (A), including access to surge funding; and

2. any new resources needed to provide the Federal Government with greater capacity to provide internet access—

(A) to respond rapidly to internet shutdowns in closed societies; and

(B) to provide internet connectivity to foreign users of the provision of additional internet access service would promote freedom from repressive regimes.

(g) SECURITY AUDITS.—Before providing any support for open source technologies under this section, such technologies must undergo comprehensive security audits to ensure they are secure and have not been compromised in a manner that is detrimental to the interest of the United States or to the interests of individuals and organizations from programs supported by such funding.

(h) SURVEY.—

1. AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated, in addition to amounts otherwise made available for such purposes, up to $2,500,000 to support internet freedom programs in closed societies, including programs that—

(A) are carried out in crisis situations by vetted entities that are already engaged in internet freedom; or

(B) involve circumvention tools; or

(C) increase the overseas bandwidth for companies that received Federal funding during the previous fiscal year.

2. CERTIFICATION.—Amounts authorized to be appropriated pursuant to paragraph (1) may not be expended until the Secretary has certified to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives that the use of such funds is in the national interest of the United States.

(i) DEFINED TERM.—In this section, the term " comprehensively.

(j) SECURITY AUDITS.—Before providing any support for open source technologies under this section, such technologies must undergo comprehensive security audits to ensure they are secure and have not been compromised in a manner that is detrimental to the interest of the United States or to the interests of individuals and organizations from programs supported by such funding.

(k) REPORT ORDER.—

1. AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated, in addition to amounts otherwise made available for such purposes, up to $2,500,000 to support internet freedom programs in closed societies, including programs that—

(A) are carried out in crisis situations by vetted entities that are already engaged in internet freedom; or

(B) involve circumvention tools; or

(C) increase the overseas bandwidth for companies that received Federal funding during the previous fiscal year.

2. CERTIFICATION.—Amounts authorized to be appropriated pursuant to paragraph (1) may not be expended until the Secretary has certified to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives that the use of such funds is in the national interest of the United States.

(i) DEFINED TERM.—In this section, the term " comprehensive.
United States partners and allies to more directly finance and otherwise support foreign strategic infrastructure projects, including an assessment of the authorities and capabilities of United States agencies, departments, public-private partnerships, and international or multilateral organizations to support such projects without undermining United States businesses to support foreign, large-scale, strategic infrastructure projects, such as roads, power grids, and ports; and (G) 5 strategic infrastructure projects, with one each in the Western Hemisphere, Africa, and Asia, that are needed, but have not yet been initiated.

3) Submissions described in subsection (a) shall be the responsibility of the individual.

(1) RESPONSIBILITY.—The cost of returning supporting documents to an individual as described in subsection (a) shall be the responsibility of the individual.

(2) PAY.—The Secretary to the individual by the Secretary for returning supporting documents as described in subsection (a) shall be the sum of—

(A) the reasonable service charge by the United States Postal Service for the service; and

(B) the cost estimate of processing the return of the supporting documents.

(3) REPORT.—The Secretary shall submit a report to the appropriate congressional committees that describes—

(A) the costs included in the processing fee charged under paragraph (2); and

(B) an estimate of the average cost per request.

SEC. 5716. REPORT ON DISTRIBUTION OF PERSONNEL AND SERVICES RELATED TO ORDERED DEPARTURES AND POST CLOSURES.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that describes—

1) how Department personnel and resources dedicated to Mission Afghanistan were reallocated following the closure of diplomatic posts in Afghanistan in August 2021; and

2) the extent to which Department personnel and resources for Mission Iraq were reallocated following the closure of diplomatic posts in March 2020, and how such resources were reallocated.

SEC. 5717. ELIMINATION OF OBSCURE REPUBLICS.

(a) CERTIFICATION OF EFFECTIVENESS OF THE AUSTRALIA GROUP.—Section 2(7) of Senate Resolution 75 (105th Congress) is amended by striking subparagraph (B).

(b) ACTIVITIES OF THE TALIBAN.—Section 102 of the Foreign Relations Authorization Act, Fiscal Year 2021 (division K of Public Law 116-260) is amended by striking the following:

"It is the sense of Congress that the President—"

(c) P LANS TO IMPLEMENT THE GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE.—The Gandhi-King Scholarly Exchange Initiative Act of 1995 (Public Law 104-104) is amended by striking the following:

"(b) PLAN TO IMPLEMENT THE GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE.—""The President shall submit to the appropriate congressional committees that describes—

1) how Department personnel and resources dedicated to Mission Afghanistan were reallocated following the closure of diplomatic posts in Afghanistan in August 2021; and

2) the extent to which Department personnel and resources for Mission Iraq were reallocated following the closure of diplomatic posts in March 2020, and how such resources were reallocated.

SEC. 5718. LOCALITY PAY FOR FEDERAL EMPLOYEES.

The term "locality pay" means an amount of pay that the covered employee would be paid under section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111-32), as limited under section 5803(a)(4)(B) of this Act, if the covered employee were an eligible member of the Foreign Service (as defined in subsection (b) of section 1113).

(b) IMPOSITION OF SANCTIONS.—

(1) REQUIRED.—

(A) The term "locality-based comparability pay" means the amount of pay that the covered employee would be paid under section 5803(a)(4)(B) of this Act, if the covered employee were an eligible member of the Foreign Service (as defined in subsection (b) of section 1113).

(B) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(c) LOCALITY PAY.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(d) ANNUNCIATION OF INTENTION.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(e) LOCALITY PAY.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(f) ANNUNCIATION OF INTENTION.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(g) LOCALITY PAY.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(h) ANNUNCIATION OF INTENTION.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(i) LOCALITY PAY.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(j) ANNUNCIATION OF INTENTION.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(k) LOCALITY PAY.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.

(l) ANNUNCIATION OF INTENTION.—

(1) REQUIRED.—

(A) The term "locality pay" means an amount that is equal to the lesser of—

1) the amount of a locality-based comparability pay that the covered employee would have been paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

2) the amount of a locality-based comparability pay that the covered employee would be paid under section 5301 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement.
SEC. 5720. REPORT ON COUNTERING THE ACTIVITIES OF MALIGN ACTORS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State and the Administrator, shall make a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives regarding United States diplomatic efforts in Africa in achieving United States policy goals and countering the activities of malign actors.

(b) ELEMENTS.—The report required under paragraph (1) shall include—

(I) in-country diplomatic presence;

(II) humanitarian and development assistance;

(III) accountability measures, including sanctions;

(IV) United States security assistance;

(V) public diplomacy; and

(VI) accountability measures, including sanctions;

(2) AGENCY ORGANIZATIONAL EFFECTIVENESS.—The report required under sub-paragraph (1) shall include—

(I) the extent and effectiveness of certain diplomatic tools described in clause (1) achieved the diplomatic ends for which they were intended; and

(II) the means by which the Russian Federation and the People’s Republic of China exploited any openings for diplomatic engagement in the case study countries.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly report to Congress regarding the report required under subsection (b).

TITLE LVIII—EXTENSION OF AUTHORITY

SEC. 5801. CONSULTING SERVICES.

Any consulting services through procurement contracts shall be limited to contracts in which such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive orders issued pursuant to existing law.

SEC. 5802. DIPLOMATIC FACILITIES.

(a) Extension of Existing Authority.—

(1) IN GENERAL.—For the purposes of calculating the costs providing for such fiscal year in a manner that is proportional to the contribution of the Department of State for this purpose.

(b) Extension of Existing Authority.—

(1) IN GENERAL.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2024.

SEC. 5803. EXTENSION OF EXISTING AUTHORITY

(a) Extension of Authorit —

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Fee Act of June 4, 1920 (22 U.S.C. 2254) is amended by striking “September 30, 2010” and inserting “September 30, 2024.”

(2) INCEINTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2024.

(3) US AID CIVIL SERVICE ANNUNTA NT WAI V —

(b) LIMITATION.—The authority described in paragraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code.

(2) OVERSEAS PAY COMPARABILITY AND LIMITATION —

(b) LIMITATION.—The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code.

(3) PE RMANENT SELECT COMMITTEE ON INTELLIGENCE —

(b) Extension of Procurement Authority.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall remain in effect until September 30, 2024.

SEC. 5804. WAR RESERVE STOCKPILE AND MILITARY TRAINING REPORT.

(a) Extension of War Reserve Stockpile Authority.—Section 1200(d) of the Department of Defense Authorization Act, 2005 (Public Law 108–287, 118 Stat. 1011) is amended by striking “of this section” and all that follows through the period at the end and inserting “of this section”.

(b) Annual Foreign Military Training Report.—


(a) Extension of War Reserve Stockpile Authority.—Section 1200(d) of the Department of Defense Authorization Act, 2005 (Public Law 108–287, 118 Stat. 1011) is amended by striking “of this section” and all that follows through the period at the end and inserting “of this section after September 30, 2024.”

(b) Annual Foreign Military Training Report.—

(1) IN GENERAL.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2391), the term “Military training provided to foreign military personnel by the Department of Defense and the Department of State” shall be
deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the Department of Defense designated under section 517(b) of such Act (22 U.S.C. 2321(b)) as a major non-North Atlantic Treaty Organization ally. Such third-party training shall be clearly identified in the report submitted pursuant to such section 656.

(b) DISTRIBUTION OF REPORT—section 656(e) of the Foreign Affairs Act of 2016 (22 U.S.C. 2416(e)) is amended to read as follows: ‘‘(e) DEFINED TERM.—In this section, the term ‘‘appropriate congressional committees’’ means—

‘‘(1) the Committee on Foreign Relations of the Senate; ‘‘(2) the Committee on Appropriations of the Senate; ‘‘(3) the Committee on Armed Services of the Senate; ‘‘(4) the Committee on Foreign Affairs of the House of Representatives; ‘‘(5) the Committee on Appropriations of the House of Representatives; and ‘‘(6) the Committee on Armed Services of the House of Representatives.’’

SEC. 5050. COMMISSION ON REFORM AND MODERNIZATION OF THE DEPARTMENT OF STATE

(a) SHORT TITLE.—This section may be cited as the ‘‘Commission on Reform and Modernization of the Department of State Act’’.

(b) ESTABLISHMENT OF COMMISSION.—There is established, in the legislative branch, the Commission on Reform and Modernization of the Department of State (referred to in this section as the ‘‘Commission’’).

(c) PURPOSES.—The purposes of the Commission are—

(B) personnel-related matters, including recruitment, promotion, training, and retention of the Department’s workforce in order to retain the best and brightest personnel and foster effective diplomatic work, including measures to strengthen diversity and inclusion to ensure that the Department’s workforce reflects all of America;

(C) the Department of State’s infrastructure (domestic and overseas), including infrastructure relating to information technology, transportation, and security;

(D) the link among diplomacy and defense, intelligence, development, commercial, health, law enforcement, and other core United States interests;

(E) core legislation that authorizes United States diplomacy, including the Foreign Service Act of 1980 (Public Law 96–465);

(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual; and

(G) treaties that impact United States overseas presence.

(d) COMPOSITION.—The Commission shall be composed of 10 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 1 member shall be appointed by the chairperson of the Committee on Foreign Relations of the Senate;

(C) 1 member shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(D) 1 member shall be appointed by the chairperson of the Committee on Foreign Affairs of the House of Representatives;

(E) 1 member shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(F) 1 member shall be appointed by the majority leader of the Senate, who shall serve as co-chair of the Commission;

(G) 1 member shall be appointed by the Speaker of the House of Representatives;

(H) 1 member shall be appointed by the minority leader of the Senate, who shall serve as co-chair of the Commission; and

(I) 1 member shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS; MEETINGS.—

(A) MEMBERSHIP.—The members of the Commission shall be prominent United States citizens, with national recognition and significant depth of experience in international relations and with the Department.

(B) POLITICAL PARTY AFFILIATION.—Not more than 4 members of the Commission may be from the same political party.

(C) MEETINGS.—

(i) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold the first meeting and begin operations as soon as practicable.

(ii) FREQUENCY.—The Commission shall meet at the call of the co-chairs.

(iii) QUORUM.—Six members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission may constitute a quorum for purposes of receiving testimony.

(D) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(e) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission or to assist the Commission in the actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel may not be considered the findings and determinations of the Commission unless such findings and determinations are approved by the Commission.

(f) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or any panel or member of the Commission, as delegated by the co-chairs, may, for the purpose of carrying out this section—

(A) hold such hearings and meetings, take such testimony, receive such evidence, and make such findings and determinations of the Commission or such designated subcommittee or designated member considers necessary;

(B) require the attendance and testimony of such persons, the production of such correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary; and

(C) subject to applicable privacy laws and relevant regulations, secure directly from any United States Agency for Global Media information and data necessary to enable it to carry out its mission, which shall be provided not later than 30 days after the Department provides a written request for such information and data.

(2) CONTRACTS.—The Commission, to such extent as funds are authorized and provided in appropriations Acts, may enter into contracts to enable the Commission to discharge its duties under this section.

(3) INFORMATION FROM INDEPENDENT AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) HANDLING.—Information may only be received, held, stored, and disseminated by members of the Commission and its staff in accordance with all applicable statutes, regulations, and Executive Orders.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) SECRETARY OF STATE.—The Secretary shall provide to the Commission, on a non-reimbursable basis, such personnel, services, staff, and other support services as are necessary for the performance of the Commission’s duties under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—Other Federal departments and agencies may provide the Commission such services, staff, and other support as and to such extent as such departments and agencies consider advisable and authorized by law.

(5) ASSISTANCE FROM INDEPENDENT ORGANIZATIONS.—

(A) IN GENERAL.—In order to inform its work, the Commission shall review reports that were written during the 15-year period ending on the date of the enactment of this Act by independent organizations and outside experts relating to reform and modernization of the Department.

(B) OTHER DEPARTMENTS AND AGENCIES.—In analyzing the reports referred to in subparagraph (A), the Commission shall pay particular attention to any specific reform proposals that have been recommended by 2 or more of such reports.

(6) CONGRESSIONAL CONSULTATION.—Not less frequently than quarterly, the Commission shall provide a briefing to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives regarding the work of the Commission.

(7) STAFF AND COMPENSATION.—

(A) COMPENSATION.—The co-chairs of the Commission, in accordance with rules established by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 35 or chapter 45 of title 5, relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to an individual occupying a position at level V of the Executive Schedule under section 5316 of such title.
SEC. 10101. MODERNIZING TAIWAN'S SECURITY CAPABILITIES TO DETER AND, IF NECESSARY, DEFEND AGAINST AGGRESSION BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) TAIWAN SECURITY PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall use the authorities under this section to strengthen the United States-Taiwan defense relationship, and to support the acceleration of the modernization of Taiwan's defense capabilities, consistent with the Taiwan Relations Act (Public Law 95-80).

(b) PURPOSE.—In addition to the purposes otherwise authorized for Foreign Military Financing under the Arms Export Control Act (22 U.S.C. 2751 et seq.), a purpose of the Foreign Military Financing Program should be to provide assistance, including equipment, to build the civilian and defensive military capabilities of Taiwan.

SEC. 10102. IMPLEMENTATION OF AN ENHANCED DEFENSE PARTNERSHIP BETWEEN THE UNITED STATES AND TAIWAN.

This division may be cited as "American Security Drone Act of 2022".

TITLE I—IMPLEMENTATION OF AN ENHANCED DEFENSE PARTNERSHIP BETWEEN THE UNITED STATES AND TAIWAN

SEC. 10101. MODERNIZING TAIWAN'S SECURITY CAPABILITIES TO DETER AND, IF NECESSARY, DEFEND AGAINST AGGRESSION BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) TAIWAN SECURITY PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall use the authorities under this section to strengthen the United States-Taiwan defense relationship, and to support the acceleration of the modernization of Taiwan's defense capabilities, consistent with the Taiwan Relations Act (Public Law 95-80).

(b) PURPOSE.—In addition to the purposes otherwise authorized for Foreign Military Financing under the Arms Export Control Act (22 U.S.C. 2751 et seq.), a purpose of the Foreign Military Financing Program should be to provide assistance, including equipment, to build the civilian and defensive military capabilities of Taiwan.

(1) to accelerate the modernization of self-defense capabilities that will enable Taiwan to delay, degrade, and deny attempts by People's Liberation Army forces—

(1) to conduct coercive or grey zone activities;

(2) to blockade Taiwan; or

(3) to secure a lodgment on any islands administered by Taiwan; otherwise use such lodgment to seize control of a population center or other key territory in Taiwan; and

(2) to prevent the People's Republic of China from decapitating, seizing control of, or otherwise neutralizing or rendering ineffective Taiwan's civilian and defense leadership;

(c) REGIONAL CONTINGENCY STOCKPILE.—Of the amounts authorized to be appropriated pursuant to subsection (g), not more than $100,000,000 may be used during each of the fiscal years 2023 through 2032 to maintain a stockpile (if established under section 10002), in accordance with section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(h), as amended by section 10002.

(d) AVAILABILITY OF FUNDS.—

(1) ANNUAL SPENDING PLAN.—Not later than May 1, 2023, and each year thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit a plan to the appropriate committees of Congress detailing how amounts authorized to be appropriated pursuant to subsection (g), if made available, would be used to achieve the purpose described in subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—Amounts authorized to be appropriated for each fiscal year pursuant to subsection (g) are authorized to be made available only after the Secretary of State, in coordination with the Secretary of Defense, certifies not less than annually to the appropriate committees of Congress that Taiwan has increased its defense spending relative to Taiwan's defense spending in its prior fiscal year, which may include support for an asymmetric strategy, excepting accounts in Taiwan's defense budget related to personnel expenditures, (other than military training and education and any funding related to the All-Out Defense Mobilization Agency).

(B) WAIVER.—The Secretary of State may waive the certification requirement under subparagraph (A) if the Secretary, in consultation with the Secretary of Defense, certifies to the Committee on Appropriations of the Senate, the Committee on Armed Services of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives that Taiwan has increased its defense spending relative to its prior fiscal year, which may include support for an asymmetric strategy, excepting accounts in Taiwan's defense budget related to personnel expenditures, (other than military training and education and any funding related to the All-Out Defense Mobilization Agency).

(e) ANNUAL REPORT ON ADVANCING THE DEFENSE RELATIONSHIP WITH TAIWAN.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;
(B) the Committee on Armed Services of the Senate;
(C) the Committee on Foreign Affairs of the House of Representatives; and
(D) the Committee on Armed Services of the House of Representatives.

(2) INITIAL REPORT.—Concurrently with the first certification required under subsection (d)(2), the Secretary of State and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that describes steps taken to enhance the United States’ defense relationship with Taiwan and the readiness of the Taiwan defense forces, including—

(i) the extent to which Taiwan is requiring personnel to address any significant gaps in the military of Taiwan, including in the armed forces;
(ii) integrated air and missile defense systems;
(iii) anti-ship cruise missiles;
(iv) land-attack cruise missiles;
(v) coastal defense;
(vi) anti-armor;
(vii) undersea warfare;
(viii) survivivable, long-range maritime assets;
(ix) manned and unmanned aerial systems;
(x) mining and countermining capabilities;
(xi) intelligence, surveillance, and reconnaissance capabilities;
(xii) command and control systems; and
(xiii) any other defense capabilities that the United States and Taiwan jointly determine are crucial to the defense of Taiwan;

(C) an evaluation of the balance between conventional and counter intervention capabilities, including—

(i) the extent to which Taiwan is requiring personnel to address any significant gaps in the military of Taiwan, including in the armed forces;
(ii) integrated air and missile defense systems;
(iii) anti-ship cruise missiles;
(iv) land-attack cruise missiles;
(v) coastal defense;
(vi) anti-armor;
(vii) undersea warfare;
(viii) survivivable, long-range maritime assets;
(ix) manned and unmanned aerial systems;
(x) mining and countermining capabilities;
(xi) intelligence, surveillance, and reconnaissance capabilities;
(xii) command and control systems; and
(xiii) any other defense capabilities that the United States and Taiwan jointly determine are crucial to the defense of Taiwan;

(D) an assessment of the commitment of the United States to implement a military strategy that will, if necessary, defeat military aggression by the People’s Republic of China, including the steps that Taiwan has taken and the steps that Taiwan has not taken towards such implementation;

(E) an assessment of the efforts of Taiwan to acquire and employ within its forces counterintervention capabilities, including—

(i) the extent to which Taiwan is requiring personnel to address any significant gaps in the military of Taiwan, including in the armed forces;
(ii) integrated air and missile defense systems;
(iii) anti-ship cruise missiles;
(iv) land-attack cruise missiles;
(v) coastal defense;
(vi) anti-armor;
(vii) undersea warfare;
(viii) survivivable, long-range maritime assets;
(ix) manned and unmanned aerial systems;
(x) mining and countermining capabilities;
(xi) intelligence, surveillance, and reconnaissance capabilities;
(xii) command and control systems; and
(xiii) any other defense capabilities that the United States and Taiwan jointly determine are crucial to the defense of Taiwan;

(F) an assessment of the balance between conventional and counter intervention capabilities, including—

(i) the extent to which Taiwan is requiring personnel to address any significant gaps in the military of Taiwan, including in the armed forces;
(ii) integrated air and missile defense systems;
(iii) anti-ship cruise missiles;
(iv) land-attack cruise missiles;
(v) coastal defense;
(vi) anti-armor;
(vii) undersea warfare;
(viii) survivivable, long-range maritime assets;
(ix) manned and unmanned aerial systems;
(x) mining and countermining capabilities;
(xi) intelligence, surveillance, and reconnaissance capabilities;
(xii) command and control systems; and
(xiii) any other defense capabilities that the United States and Taiwan jointly determine are crucial to the defense of Taiwan;

(G) an assessment of the efforts made by Taiwan to boost its civilian defenses, including any informational campaigns to raise awareness among the population of Taiwan of the risks Taiwan faces;

(H) an assessment of the efforts made by Taiwan to secure its critical infrastructure, including in transportation, telecommunications networks, and energy;

(I) an assessment of the efforts made by Taiwan to enhance its cybersecurity, including the security of civilian government and military networks;

(J) an assessment of Taiwan of any significant gaps in any of the matters described in subparagraphs (A) through (I) with respect to which the United States assesses that additional action is needed;

(K) a description of cooperative efforts between the United States and Taiwan on the matters described in subparagraphs (A) through (J); and

(L) a description of any resistance in Taiwan to—

(i) implementing the matters described in subparagraphs (A) through (I); or

(ii) United States’ support or engagement with regard to such matters.

(3) SUBSEQUENT CERTIFICATIONS.—Concurrently with subsequent certifications required under subsection (d)(2), the Secretary of State and the Secretary of Defense shall jointly submit updates to the initial report required under paragraph (2) that provides a description of changes and developments that occurred since the previous certification.

(4) FORM.—The reports required under paragraphs (2) and (4) shall be submitted in classified form, but shall include a detailed unclassified summary.

(5) SHARING OF SUMMARY.—The Secretary of State and the Secretary of Defense shall jointly share the unclassified summary required under paragraph (5) with Taiwan, as appropriate.

(6) FOREIGN MILITARY FINANCING LOAN AND LOAN GUARANTEE AUTHORITY.—

(A) DIRECT LOANS.—

(i) IN GENERAL.—Notwithstanding section 230(c)(1) of the Arms Export Control Act (22 U.S.C. 2763(c)(1)), interest for loans made pursuant to subsection (g) for the years 2018 through 2027, the Secretary of State is authorized to make direct loans available for Taiwan pursuant to section 23 of such Act.

(ii) MAXIMUM OBLIGATIONS.—Gross obligations for the principal amounts of loans authorized under subparagraph (A) may not exceed $2,000,000,000.

(B) MUNICIPAL BONDS.—

(i) IN GENERAL.—The Government of the United States may guarantee the principal and interest on marketable Treasury securities of similar maturities for the benefit of the Government of the Republic of China, including the steps that Taiwan has taken and the steps that Taiwan has not taken towards such implementation;
Taiwan of defense articles and defense services, including research and development, as agreed by the United States and Taiwan. 
(b) SUNSET PROVISION.—Assistance may not be continued under this section after September 30, 2032.

SEC. 10102. INCREASE IN ANNUAL REGIONAL CONTINGENCY STOCKPILE FOR TAIWAN

(a) IN GENERAL.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2311i) is amended by striking “$500,000,000” and all that follows, inserting “$1,000,000,000 for any of the fiscal years 2023, 2024, or 2025.”
(b) 저장가공.—Subject to section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2311i), the President may establish a regional contingency stockpile for Taiwan that consists of munitions and other appropriate defense articles.
(c) INCLUSION OF TAIWAN AMONG OTHER ALLIES ELIGIBLE FOR DEFENSE ARTICLES.—Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) is amended—

(1) in section 514(c)(2) (22 U.S.C. 2311c(c)(2)), by inserting “Taiwan,” after “Thailand,”; and
(2) in section 516(c)(2) (22 U.S.C. 2311c(c)(2)), by inserting “to Taiwan,” after “major non-NATO allies on such continental and south-eastern.”
(d) ANNUAL BRIEFING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 7 years, the President shall provide a briefing to appropriate committees of Congress regarding the status of a regional contingency stockpile established under subsection (b).

SEC. 10103. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH TAIWAN.

The Secretary of State is authorized to provide education and training relevant entities in Taiwan through the International Military Education and Training program (22 U.S.C. 2547 et seq.)

SEC. 10104. ADDITIONAL AUTHORITY TO SUPPORT TAIWAN.

(a) DRAWDAWN AUTHORITY.—Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is amended, insert the following paragraph:

“3 In addition to amounts already specified in this section, the President may direct the drawdown of defense articles which require the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $1,000,000,000 per fiscal year, to be provided to Taiwan.”.
(b) EMERGENCY AUTHORITY.—Section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)), insert at the end the following—

“In addition to the aggregate value of $25,000,000 authorized in paragraph (2) of the preceding section, the President may direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government for the purpose of increasing and immediate assistance to Taiwan of a value not to exceed $25,000,000 in any fiscal year.”.

SEC. 10105. MULTI-YEAR PLAN TO FULFILL DEFENSIVE REQUIREMENTS FOR CALLED TAIWAN MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT.

(a) Multi-year Plan.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall each issue a multi-year plan to provide for the acquisition of appropriate defensive capabilities by Taiwan and to engage with Taiwan in a series of combined training, exercises, and planning activities consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3303 et seq.).
(b) Elements.—The plan required by subsection (a) shall include the following:

(1) An identification of the defensive military capability gaps and capacity shortfalls of Taiwan that are required to—
(A) allow Taiwan to respond effectively to aggression by the People’s Liberation Army or other actors from the People’s Republic of China; and
(B) advance a strategy of denial, reduce the threat of conflict, thwart an invasion, and mitigate other risks to the United States and Taiwan.
(2) An assessment of the relative priority assigned by appropriate departments and agencies to the deficiencies of its military to address such capability gaps and capacity shortfalls.
(3) An explanation of the annual resources committed by Taiwan to address such capability gaps and capacity shortfalls.
(4) A description and justification of the relative importance of overcoming each identified capability gap and capacity shortfall for deterring, delaying, or defeating military aggression by the People’s Republic of China;
(5) An assessment of—
(A) the capability gaps and capacity shortfalls that could be addressed in a sufficient and timely manner by—
(1) the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs of the Department of State;
(2) Department of Defense security assistance authorized by chapter 16 of title 10, United States Code;
(C) Department of State training and education programs authorized by section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318);
(6) An assessment of the capability gaps and capacity shortfalls described in paragraph (5)(B) that could be addressed in a sufficient and timely manner by—
(A) the capability gaps and capacity shortfalls that could be addressed in a sufficient and timely manner by—
(B) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.);
(F) any other authority available to the Secretary of Defense or the Secretary of State.
(7) A description of United States or Taiwan engagement with other countries that could assist in addressing in a sufficient and timely manner the capability gaps and capacity shortfalls identified pursuant to paragraph (1).
(8) An identification of opportunities to build interoperability, combined readiness, joint planning and capacity, and common strategic awareness between the United States, Taiwan, and other foreign partners and allies, as appropriate, through combined training, exercises, and planning events, including—
(A) table-top exercises and wargames that allow operational commands to improve joint capability by Taiwan and for contingencies involving a well-equipped adversary in a counter-intervention campaign;
(B) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoperability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;
(C) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;
(D) service-to-service exercise programs that build functional mission skills for defense agencies; and
(E) exercises to develop a multi-year plan to provide for the acquisition of appropriate defensive capabilities by Taiwan and to engage with Taiwan in a series of combined training, exercises, and planning activities consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3303 et seq.).
(9) An assessment of options for the United States to use, to the maximum extent practicable, existing authorities or programs to expedite military assistance to Taiwan in the event of a crisis or conflict, including—
(A) a list of defense articles of the United States that may be transferred to Taiwan during a crisis or conflict;
(B) a list of authorities that may be used to provide expedited military assistance to Taiwan during a conflict; and
(C) an assessment of steps that could be taken to deliver such assistance to Taiwan in the event of a crisis or conflict, including—
(1) the feasibility of employing such methods in different scenarios; and
(2) recommendations for improving the ability of the Armed Forces to deliver such assistance to Taiwan and recommendations for addressing such challenges.

SEC. 10106. FAST-TRACKING SALES TO TAIWAN UNDER FOREIGN MILITARY SALES PROGRAM.

SEC. 10107. PRELIMINARY OF CERTAIN FOREIGN MILITARY SALES ITEMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, and in conjunction with coordinating entities such as the National Disclosure Policy Committee, the Arms Transfer and Technology Release Senior Steering Group, and other appropriate entities, shall compile a list of available and emerging military platforms and technologies that are pre-cleared and prioritized for sale and release to Taiwan through the Foreign Military Sales program.

(2) SELECTION OF ITEMS.—

(A) RULE OF CONSTRUCTION.—The list compiled pursuant to paragraph (1) shall not be construed as limiting the type, timing, or quantity of items that may be requested by, or sold to, Taiwan under the Foreign Military Sales program.

(B) RULE OF CONSTRUCTION.—Nothing in the Act shall be construed to provide for congressional notification requirements as required by the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(C) CONGRESSIONAL PROCESSING OF FOREIGN MILITARY SALES REQUESTS FROM TAIWAN.—

(1) REQUIREMENT.—The Secretary of State and the Secretary of Defense shall coordinate and expedite the processing of requests from Taiwan under the Foreign Military Sales program, and may not delay the processing of requests for bundling purposes.

(2) DURATION.—The requirement under paragraph (1) shall continue until the Secretary of State determines and certifies to the National Disclosure Policy Committee on Foreign Affairs of the House of Representatives that the threat to Taiwan has significantly abated.

(D) INTERAGENCY POLICY.—The Secretary of State and the Secretary of Defense shall
jointly review and update interagency policies and implementation guidance related to Foreign Military Sales requests from Taiwan, including incorporating the procedures and mechanisms identified in this section.

SEC. 10107. EXPEDITING DELIVERY OF ARMS EXPORTS TO TAIWAN AND UNITED STATES ALLIES IN THE INDO-PACIFIC.

(a) REPORT REQUIRED.—Not later than March 1, 2023, and annually thereafter for a period of 5 years, the Secretary of State, in coordination with the Secretary of Defense, shall transmit to the appropriate committees of Congress a report on the transfer of defense articles or defense services that have yet to be completed pursuant to the authorities, appropriations, or waiver required by subsection (a) shall include the following elements:

(1) A list of all approved transfers of defense articles and services authorized by Congress pursuant to sections 25 and 36 of the Arms Export Control Act (22 U.S.C. 2763, 2761, or 2776); or (2) section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(c)(2)).

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

(1) A list of all approved transfers of defense articles and services authorized by Congress pursuant to sections 25 and 36 of the Arms Export Control Act (22 U.S.C. 2763, 2761, or 2776); or (2) section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(c)(2)).

(c) SHARING OF REPORT.—The assessment required by subsection (a) shall be shared with appropriate officials Taiwan to facilitate cooperation.

SEC. 10109. ANNUAL REPORT ON TAIWAN DEFENSIVE MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT.

Section 1248 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1988) is amended to read as follows:

"SEC. 1248. ANNUAL REPORT ON TAIWAN CAPABILITIES AND INTELLIGENCE SUPPORT.

(a) IN GENERAL.—The Secretary of State and the Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall jointly each year from fiscal year 2023 to fiscal year 2027, consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3302(c)), perform an annual assessment of security matters related to Taiwan, including intelligence matters. Taiwan’s defensive military 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 and nuclear threats to Taiwan from China, including excercises, patrols, and presence 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 military capabilities of Taiwan and the ability of Taiwan to defend itself from external conventional and irregular military threats across a range of scenarios.

(3) The interoperability of current and future defensive capabilities of Taiwan with those of the United States and its allies and partners.

(4) The plans, tactics, techniques, and procedures underpinning an effective defense strategy for Taiwan, including how addressing identified capability gaps and capacity shortfalls will improve the effectiveness of such strategy.

(5) A description of personal capabilities, 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 military capabilities identified pursuant to this section.

(6) With respect to material capabilities and capacities the Secretary of Defense and the Secretary of State jointly assess to be most effective in deterring, defeating, or delaying military aggression by the People’s Republic of China, a prioritized list of capability gaps and shortfalls of the military forces of Taiwan, including—

(A) an identification of—

(i) any United States, Taiwan, or ally or partner defense capability shortfall related to material or solutions to such capability gaps;
“(ii) the associated investment costs of enabling expanded production for items currently at maximum production;

“(iii) the associated investment costs of, or mitigation strategies for, enabling export for items currently not exportable; and

“(iv) existing stocks of such capabilities in the United States and ally and partner countries.

“(B) The feasibility and advisability of procuring solutions to such gaps and shortfalls through United States allies and partners, including through co-development or co-production;

“(C) The feasibility and advisability of assisting Taiwan in the domestic production of solutions to capability gaps, including through—

“(i) the transfer of intellectual property; and

“(ii) co-development or co-production arrangements;

“(D) The estimated costs, expressed in a range of options, of procuring sufficient capabilities and capacities to address such gaps and shortfalls;

“(E) An assessment of the relative priority assigned by appropriate officials of Taiwan to each such gap and shortfall; and

“(F) A detailed explanation of the extent to which Taiwan is prioritizing the development, production, or holding of solutions to such gaps and shortfalls within its overall defense budget.

“(7) The applicability of Department of State and Department of Defense authorities for improving the defensive military capabilities of Taiwan in a manner consistent with the Taiwan Relations Act.

“(8) A description of any security assistance provided or Foreign Military Sales and Direct Commercial Sales activity with Taiwan or the People’s Republic of China over the past year.

“(9) A description of each engagement between the United States and Taiwan personnel related to planning over the past year.

“(10) With respect to each to training and exercises—

“(A) a description of each such instance over the past year;

“(B) a description of how each such instance—

“(i) sought to achieve greater interoperability, improved readiness, joint planning capability, and shared situational awareness between the United States and Taiwan, or among the United States, Taiwan, and other countries;

“(ii) familiarized the militaries of the United States and Taiwan with each other; and

“(iii) improved Taiwan’s defense capabilities.

“(11) A description of the areas and means through which the United States is assisting and supporting training, exercises, and assistance to support Taiwan’s requirements related to civilian defense and resilience, and how this assistance is enabling Taiwan in addressing any critical gaps where capacity falls short of meeting such requirements, including those elements identified in the assessment required by section 10000 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.

“(12) An assessment of the implications of current key appropriate positioned war reserve materiel on the ability of the United States to respond to a crisis or conflict involving Taiwan with respect to—

“(A) the ability of military or non-military aid to Taiwan; and

“(B) sustaining military installations and other infrastructure of the United States in the Indo-Pacific.

“(13) An assessment of the current intelligence, surveillance, and reconnaissance capabilities of Taiwan, including any existing gaps in such capabilities and investments in such capabilities by Taiwan since the preceding report.

“(14) A summary of changes to pre-positioned war reserve materiel of the United States in the Indo-Pacific region since the preceding report.

“(15) Any other matters the Secretary of Defense or the Secretary of State considers appropriate.

“(B) PLAN.—The Secretary of Defense and the Secretary of State shall jointly develop a plan for assisting Taiwan in improving its defensive military capabilities and addressing vulnerabilities identified pursuant to subsection (a).

“(1) recommendations, if any, for new Department of State or Department of Defense authorities, or modifications to existing Department of State or Department of Defense authorities, necessary to improve the defensive military capabilities of Taiwan in a manner consistent 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 civilian and military and civilian counterparts in Taiwan; and

“(3) an identification of challenges and opportunities for leveraging authorities, resources, and capabilities outside the Department of Defense and the Department of State to improve the defensive 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 thereafter through fiscal year 2027, the Secretary of State and the Secretary of Defense shall jointly submit to the appropriate committees of Congress—

“(1) a report on the results of the assessment required by subsection (a);

“(2) the plan required by subsection (b); and

“(3) a report on—

“(A) the status of efforts to develop and implement the joint multi-year plan required under section 10007 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 to provide for the acquisition of appropriate defensive military capabilities by Taiwan and to engage with Taiwan in a series of combined training and planning activities consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.); and

“(B) any other matters the Secretary considers necessary.

“(D) FORM.—The reports required by subsection (c) shall be submitted in unclassified form, but may include a classified annex.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term ‘appropriate committees of Congress’ means—

“(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

“(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

TITLE II—COUNTERING PEOPLE’S REPUBLIC OF CHINA’S COERCION AND INFLUENCE CAMPAIGNS

SEC. 10201. STRATEGY TO RESPOND TO INFLUENCE AND INFORMATION OPERATIONS TARGETING TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a description of the strategy being used by the Department of State to respond to the Government of the People’s Republic of China’s increased response, including economic coercion, against countries which have strengthened their ties with, or support for, Taiwan.

(b) ASSISTANCE FOR COUNTRIES AND ENTITIES TARGETED BY THE PEOPLE’S REPUBLIC OF CHINA FOR ECONOMIC COERCION.—The Department of State, the United States Agency for International Development, the Export-Import Bank of the United States, and the United States International Development Finance Corporation, the Department of Commerce and the Department of the Treasury shall provide appropriate assistance to countries and entities that are subject to coercive economic practices by the People’s Republic of China.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Foreign Relations of the Senate;

“(2) the Committee on Armed Services of the Senate;

“(3) the Committee on Appropriations of the Senate;

“(4) the Committee on Foreign Affairs of the House of Representatives;
the United States, including a foreign branch
of the Government of the People's Republic of China, to censor or intimidate, in the United States or in any of its possessions or territories, any United States person, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; and
(B) submit the strategy developed pursuant to subparagraph (A) to the appropriate congressional committees not later than 120 days after the date of the enactment of this Act.
(4) MEETINGS.—The Task Force shall meet not less frequently than twice per year.
(5) CONSULTATIONS.—The Task Force shall regularly consult, to the extent necessary and appropriate, with:
(A) Federal agencies that are not represented on the Task Force;
(B) independent agencies of the United States Government that are not represented on the Task Force;
(C) relevant stakeholders in the private sector and the media; and
(D) relevant stakeholders among United States allies and partners facing similar challenges related or unrelated to policies or initiatives by the Government of the People's Republic of China.
(6) REPORTING REQUIREMENTS.—
(A) ANNUAL REPORT.—The Task Force shall submit an annual report to the appropriate congressional committees that describes, with respect to the reporting period:
(i) the strategic objectives and policies pursued by the Task Force to address the challenges of censorship and intimidation of United States persons, including United States citizens or an alien lawfully admitted for permanent residence to the United States, or any company incorporated outside of the People's Republic of China that is believed to have a substantial financial or commercial interest in the People's Republic of China;
(ii) the activities conducted by the Task Force in support of the strategic objectives and policies referred to in clause (i); and
(iii) the results of the activities referred to in clause (ii) and the impact of such activities on the national interests of the United States.
(B) FORM OF REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

CHINA CENSORSHIP MONITOR AND ACTION GROUP.—
(a) DEFINITIONS.—In this section:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—
(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.
(2) QUALIFIED RESEARCH ENTITY.—The term ‘‘qualified research entity’’ means an entity-
(A) that is independent of the United States Government; or
(B) the Secretary of State shall select and seek to enter into an agreement with a qualified research entity that is independent of the Department of State to write a report on censorship and intimidation in the United States and its possessions and territories of United States persons, including United States companies that conduct business in the People's Republic of China, which is directed or directly supported by the Government of the People's Republic of China.

R EPORT ON CENSORSHIP AND INTIMIDATION.—
(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall select and seek to enter into an agreement with a qualified research entity that is independent of the Department of State to write a report on censorship and intimidation in the United States and its possessions and territories of United States persons, including United States companies that conduct business in the People's Republic of China, which is directed or directly supported by the Government of the People's Republic of China.
(B) MATTERS TO BE INCLUDED.—The report required under this section shall—
(1) assess major trends, patterns, and methods of the Government of the People's Republic of China's efforts to direct or directly support censorship and intimidation of United States persons, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; 
(2) include illustrative examples, as appropriate, the impact on and consequences for United States persons, including United States companies that conduct business in the People's Republic of China, that criticize—
(1) the Chinese Communist Party; 
(2) the Government of the People's Republic of China; 
(3) any organization that is believed to have a substantial financial or commercial interest in the People's Republic of China; 
(4) any United States citizen or an alien lawfully admitted for permanent residence to the United States, or any company incorporated in the People's Republic of China or a subsidiary of such company; or
(i) the Chinese Communist Party; 
(ii) any company incorporated outside of the People's Republic of China that is believed to have a substantial financial or commercial interest in the People's Republic of China; or

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—
(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the ‘‘China Censorship Monitor and Action Group’’ (referred to in this subsection as the ‘‘Task Force’’): 
(I) the Chinese Communist Party; 
(ii) any company incorporated in the People's Republic of China or a subsidiary of such company; or
(iii) any qualified research entity that is independent of the United States Government.
(2) UNITED STATES PERSON.—The term ‘‘United States person’’ means—
(i) the Chinese Communist Party; 
(ii) any United States citizen or an alien lawfully admitted for permanent residence to the United States, or any company incorporated outside of the People’s Republic of China that is believed to have a substantial financial or commercial interest in the People’s Republic of China; or
(iii) any qualified research entity that is independent of the United States Government.
(3) UNITED STATES PERSON.—The term ‘‘United States person’’ means—
(i) the Chinese Communist Party; 
(ii) any company incorporated in the People's Republic of China or a subsidiary of such company; or
(iii) any qualified research entity that is independent of the United States Government.

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(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the ‘‘China Censorship Monitor and Action Group’’ (referred to in this subsection as the ‘‘Task Force’’): 
(i) the Chinese Communist Party; 
(ii) any company incorporated in the People's Republic of China or a subsidiary of such company; or
(iii) any qualified research entity that is independent of the United States Government.
(2) UNITED STATES PERSON.—The term ‘‘United States person’’ means—
(i) the Chinese Communist Party; 
(ii) any company incorporated in the People's Republic of China or a subsidiary of such company; or
(iii) any qualified research entity that is independent of the United States Government.
(3) UNITED STATES PERSON.—The term ‘‘United States person’’ means—
(i) the Chinese Communist Party; 
(ii) any company incorporated in the People's Republic of China or a subsidiary of such company; or
(iii) any qualified research entity that is independent of the United States Government.
(4) FORM OF REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

CHINA.—
(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Taiwan’s inclusion and meaningful participation in international organizations.
(b) SUPPORT FOR MEANINGFUL PARTICIPATION.—The Permanent Representative of the United States to the United Nations and other relevant United States officials shall act to support Taiwan’s full, meaningful participation in all appropriate international organizations.
(c) APPLICABILITY TO UNITED STATES ALLIES AND PARTNERS.—To the extent practicable, the report required under subparagraph (A) should identify implications and policy recommendations that are relevant to United States allies and partners facing censorship and intimidation directed or directly supported by the Government of the People's Republic of China.

S ECTION 3.—INCLUSION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Taiwan’s inclusion and meaningful participation in international organizations.
(b) SUPPORT FOR MEANINGFUL PARTICIPATION.—The Permanent Representative of the United States to the United Nations and other relevant United States officials shall act to support Taiwan’s full, meaningful participation in all appropriate international organizations.
other international bodies to block Taiwan’s meaningful participation and inclusion; and
(b) recommends appropriate responses that should be taken by the United States to carry out the policy described in subsection (a).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropria- tive committees of Congress" means:
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Committee on Appropriations of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee on Appropriations of the House of Representatives; and
(6) the Committee on Appropriations of the House of Representatives.

SEC. 10302. MEANINGFUL PARTICIPATION OF TAI- WAIN IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the International Civil Aviation Organization (ICAO) should allow Taiwan to meaningfully participate in the ICAO’s triennial assembly sessions, conferences, technical working groups, meetings, and mechanisms; and
(2) Taiwan is a global leader and hub for international aviation, with a range of expertise, information, and resources and the fifth busiest airport in Asia (Taoyuan International Airport), and its meaningful participation in ICAO would significantly enhance the ability of ICAO to ensure the safety and security of global aviation; and
(3) coercion by the Chinese Communist Party and the People’s Republic of China has ensured the systematic exclusion of Taiwan from meaningful participation in ICAO, significantly undermining the ability of ICAO to ensure the safety and security of global aviation.

(2) PLAN FOR TAIWAN’S MEANINGFUL PAR- TICIPATION IN THE INTERNATIONAL CIVIL AVIA- TION ORGANIZATION.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Transportation, is authorized—
(1) to initiate a United States plan to secure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, and mechanisms; and
(2) to instruct the United States representative to the ICAO to—
(A) use the voice and vote of the United States to ensure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, and mechanisms;
(B) seek to secure a vote at the next ICAO triennial assembly session on the question of Taiwan’s participation in that session.

(c) DURING TAIWAN’S MEANING-FUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Commerce, shall submit to the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate and the Com- mittee on Foreign Affairs and Committee on Energy and Commerce of the House of Rep- resentatives an unclassified report that—
(1) describes the United States plan to ensure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;
(2) includes an account of the efforts made by the Secretary of State and the Secretary of Commerce to ensure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and
(3) identifies the steps the Secretary of State and the Secretary of Commerce will take in the next year to ensure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 10401. REPUBLICAN TRAVEL ACT.

(a) LIST OF HIGH-LEVEL VISITS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in accordance with the Taiwan Travel Act (Public Law 115–135), shall submit to the appropriate committees of Congress—
(1) a list of high-level officials from the United States Government who have traveled to Taiwan; and
(2) a list of high-level officials of Taiwan who have traveled to the United States.
(b) ANNUAL REPORT.—
(1) In GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State shall submit a report on the implementation of the Taiwan Travel Act, including a discussion of its positive effects on American interests in the region, to the appropriate committees of Congress.
(2) FORM.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Committee on Appropriations of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee on Appropriations of the House of Representatives; and
(6) the Committee on Appropriations of the House of Representatives.

SEC. 10402. AMENDMENTS TO THE TAIWAN AL- LIANCE INTERNATIONAL PROTECTION AND ENHANCEMENT INITIATIVE (TAIPEI) ACT OF 2019.

The Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 (Public Law 116–135) is amended—
(1) in section 2(5), by striking "and Kiribati" and inserting "Kiribati, and Nicaragua;"
(2) in section 4—
(A) in the matter preceding paragraph (1), by striking "shall" and inserting ""; and
(B) in paragraph (2), by striking "and" at the end;
(c) in paragraph (3), by striking the period at the end and inserting "; and"; and
(D) by adding at the end following: "(d) to support Taiwan’s diplomatic relations with governments and countries;’’;
(3) in section 5—
(A) in subsection (a)—
(i) in paragraph (2), by striking "and" at the end;
(ii) in paragraph (3), by striking the period at the end and inserting "; and"; and
(iii) by adding at the end following: "(d) to support Taiwan’s diplomatic relations with governments and countries;’’;

SEC. 10404. REPORT ON ROLE OF PEOPLE’S RE- PUBLIC OF CHINA’S NUCLEAR THREAT IN ESCALATION DYNAMICS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report assessing the role of the increasing nuclear threat of the People’s Republic of China in escalating dynamics with respect to Taiwan.
(b) FORM.—The report required by subsection (a) shall be submitted in an unclassified form, but may include a classified annex.

(4) APPROPRIATE COMMITTEES OF CONGRES- S DEFINED.—In this section, the term "appropriate congressional committees" means—
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Select Committee on Intelligence of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee on Armed Services of the House of Representatives; and
(6) the Permanent Select Committee on In- telligence of the House of Representatives.

SEC. 10404. REPORT ANALYZING THE IMPACT OF RUSSIA’S WAR AGAINST UKRAINE ON THE OBJECTIVES OF THE PEOPLE’S REPUBLIC OF CHINA WITH RESPECT TO TAIWAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit a report to the appropriate congressional committees that analyzes the impact of Russia’s war against Ukraine on the PRC’s diplomatic, military, economic, and propaganda objectives with respect to Taiwan.
(b) ELEMENTS.—The report required under subsection (a) shall describe—
(1) adaptations or known changes to PRC strategies and military doctrine since the commencement of the Russian invasion of Ukraine on February 24, 2022, including changes—
(A) to PRC behavior in international forums;
(B) within the People’s Liberation Army, with respect to the size of forces, the make-up of leadership, weapon systems, equipment upkeep, the doctrine on the use of specific weapons, such as weapons banned

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under the international law of armed conflict, efforts to move weapons supply chains onto mainland PRC, or any other changes in its military strategy with respect to Taiwan; (C) in and support planning, such as sanctions evasion, efforts to minimize exposure to sanctions, or moves in support of the protection of currency or other strategic reserves; (D) to propaganda, disinformation, and other information operations originating in the PRC; and (E) to the PRC’s strategy for the use of force against Taiwan, including any information on preferred scenarios or operations to secure its objectives in Taiwan, adjustments based on how the Russian military has performed in Ukraine, and other relevant matters; (2) United States’ plans to adapt its policies and military planning in response to the changes referred to in paragraph (1).

(c) FORM.—The report required under subsection (a) shall be submitted in classified form.

(d) COORDINATION WITH ALLIES AND PARTNERS.—The Secretary of State shall share information with the report required under subsection (a), as appropriate, with appropriate officials of allied and partners, including Taiwan and other partners in Europe and in the Indo-Pacific.

(e) DEFINED TERMS.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate; (2) the Committee on Armed Services of the Senate; (3) the Committee on Appropriations of the Senate; (4) the Select Committee on Intelligence of the Senate; (5) the Committee on Banking, Housing, and Urban Affairs of the Senate; (6) the Committee on Foreign Affairs of the House of Representatives; (7) the Committee on Armed Services of the House of Representatives; (8) the Committee on Appropriations of the House of Representatives; (9) the Permanent Select Committee on Intelligence of the House of Representatives; and (10) the Committee on Financial Services of the House of Representatives.

TITLE V—UNITED STATES-TAIWAN PUBLIC HEALTH PROTECTION

SEC. 10501. SHORT TITLE. This title may be cited as “Integrity, Notification, and Proprietary Practices in Online Retail Marketplace for Consumers Act”.

SEC. 10502. DEFINITIONS. In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—For the purposes of this title, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate; (B) the Committee on Health, Education, Labor, and Pensions of the Senate; (C) the Committee on Appropriations of the Senate; (D) the Committee on Foreign Affairs of the House of Representatives; (E) the Committee on Energy and Commerce of the House of Representatives; and (F) the Committee on Appropriations of the House of Representatives.

(2) CENTER.—The term “Center” means the Infectious Disease Monitoring Center described in section 10503.

SEC. 10503. STUDY. Not later than one year after the date of the enactment of this Act, the Secretary of State and the Secretary of Health and Human Services, in consultation with the heads of other relevant Federal departments and agencies, shall submit to appropriate congressional committees a study that includes the following:

(1) A description of ongoing cooperation between the United States Government and Taiwan related to public health, including the extent to which such cooperation is supported by the United States in Taiwan.

(2) A description how the United States and Taiwan can promote further cooperation and expand health activities, including the feasibility and utility of establishing an Infectious Disease Monitoring Center within the American Institute of Taiwan in Taipei, Taiwan to—

(A) regularly monitor, analyze, and disseminate open-source material from countries in the region, including viral strains, bacterial subtypes, and other pathogens; (B) engage in people-to-people contacts with medical specialists and public health officials in the region; (C) provide expertise and information on infectious diseases to the United States Government and Taiwanese officials; and (D) carry out other appropriate activities, as determined by the Director of the Center.

(b) ELEMENTS.—The study required by subsection (a) shall include—

(1) a plan on how such a Center would be established and operationalized, including—

(A) the personnel, material, and funding requirements necessary to establish and operate the Center; and (B) the proposed structure and composition of the Center, personnel, which may include—

(i) infectious disease experts from the Department of Health and Human Services, who are recommended to serve as details to the Center; and (ii) additional qualified persons to serve as details to or employees of the Center, including—

(I) from any other relevant Federal department or agencies, to include the Department of State and the United States Agency for International Development; (II) qualified foreign service nationals or locally engaged staff who are considered citizens of Taiwan; and (III) employees of the Taiwan Centers for Disease Control;

(2) an evaluation, based on the factors in paragraph (1), of whether to establish the Center; and

(3) a description of any consultations or agreements between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding the establishment and operation of the Center, including—

(A) the role that employees of the Taiwan Centers for Disease Control would play in supporting or coordinating with the Center; and (B) whether any employees of the Taiwan Centers for Disease Control would be detailed to, or co-located with, the Center.

(c) CONSULTATION.—The Secretary of State and the Secretary of Health and Human Services shall consult with the appropriate congressional committees before full completion of the study.

TITLE VI—RULES OF CONSTRUCTION

SEC. 10601. RULE OF CONSTRUCTION. Nothing in this division may be construed as authorizing the use of military force or the introduction of United States forces into hostilities.
Sec. 5101. Short title.

This subtitle may be cited as the “Global Catastrophic Risk Management Act of 2022”.

SEC. 5102. DEFINITIONS.

In this subtitle—

(1) the term “basic need”—The term “basic need”—(A) means any good, service, or activity necessary to protect the health, safety, and general welfare of the civilian population of the United States; and

(B) includes

(1) food;

(ii) water;

(iii) shelter;

(iv) basic communication services;

(v) basic sanitation and health services; and

(vi) public safety.

(2) CATASTROPHIC INCIDENT.—The term “catastrophic incident”—(A) means any natural or man-made disaster that results in extraordinary levels of casualties or damage, mass evacuations, or disruption severely affecting the health infrastructure, environment, economy, national morale, or government functions in an area; and

(B) may include an incident—

(i) with a sustained national impact over a prolonged period of time;

(ii) that may rapidly exceed resources available to State and local government and private sector authorities in the impacted area; or

(iii) that may significantly interrupt governmental operations and emergency services to such an extent that national security could be threatened.

(3) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” has the meaning given the term in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5180e(e)).

(4) EXISTENTIAL RISK.—The term “existential risk” means the potential for an outcome that would result in human extinction.

(5) GLOBAL CATASTROPHIC RISK.—The term “global catastrophic risk” means the risk of events or incidents consequential enough to significantly harm, set back, or destroy human civilization at the global scale.

(6) GLOBAL CATASTROPHIC AND EXISTENTIAL THREATS.—The term “global catastrophic and existential threats” means those threats that with varying likelihood can produce consequences severe enough to result in significant harm or destruction of human civilization at the global scale, or lead to human extinction. Examples of global catastrophic and existential threats include severe global pandemics, nuclear war, asteroid and comet impacts, supervolcanoes, sudden and severe changes to the climate, and intentional or accidental threats arising from the use and development of emerging technologies.

(7) INDIAN TRIBAL GOVERNMENT.—The term “Indian Tribal government” has the meaning given the term “Indian tribal government” in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(8) LOCAL GOVERNMENT.—The terms “local government” and “State” have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(9) NATIONAL EXERCISE PROGRAM.—The term “national exercise program” means activities carried out to test and evaluate the national preparedness goal and related plans and strategies as described in section 48(b) of the Post-Katrina Emergency Management Reform Act of 2006 (42 U.S.C. 5180a).

(10) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

SEC. 5103. ASSESSMENT OF GLOBAL CATASTROPHIC RISK.

(a) IN GENERAL.—The Secretary shall conduct an assessment of global catastrophic risk.

(b) CONSULTATION.—When conducting the assessment under subsection (a), the Secretary shall consult with senior representatives of—

(1) the Assistant to the President for National Security Affairs;

(2) the Director of the Office of Science and Technology Policy;
(7) a forecast of if and how global catastrophic and existential risk is likely to increase or decrease significantly in the next 30 years, both qualitatively and quantitatively; and a description of associated uncertainties; (8) proposals for how the Federal Government may more adequately assess global catastrophic and existential risk on an ongoing basis in future years; (9) recommendations for legislative actions, as appropriate, to support the evaluation and assessment of global catastrophic and existential risk; and (10) other matters deemed appropriate by the Secretary.

(c) PROVISIONAL REQUIREMENT.—In producing the report required under subsection (a), the Secretary shall regularly consult with experts on global catastrophic and existential risks, including from non-governmental, academic, and private sector institutions.

SEC. 5105. ENHANCED CATASTROPHIC INCIDENT ANNEX

(a) IN GENERAL.—The Secretary shall supplement each Federal Interagency Operational Plan to include an annex containing a strategy to prepare the health, safety, and general welfare of the civilian population affected by catastrophic incidents by—

(1) providing for the basic needs of the civilian population of the United States that is impacted by catastrophic incidents in the United States;

(2) coordinating response efforts with State, local, and Indian Tribal governments, the private sector, and nonprofit relief organizations;

(3) promoting personal and local readiness and non-reliance on government relief during periods of heightened tension or after catastrophic incidents; and

(4) developing international partnerships with allied nations for the provision of relief services and goods.

(b) ELEMENTS OF THE STRATEGY.—The strategy required under subsection (a) shall include a description of—

(1) actions the Federal Government should take to ensure the basic needs of the civilian population of the United States in a catastrophic incident are met;

(2) how the Federal Government should coordinate with non-Federal entities to multiply resources and enhance relief capabilities, including—

(A) State and local governments;

(B) Indian Tribal governments;

(C) State disaster relief agencies;

(D) State and local disaster relief managers;

(E) State National Guards;

(F) law enforcement and first response entities; and

(G) nonprofit relief services;

(3) actions the Federal Government should take to enhance individual resiliency to the effects of a catastrophic incident, which actions shall include—

(A) readiness alerts to the public during periods of elevated threat;

(B) efforts to enhance domestic supply and availability of critical goods and basic necessities; and

(C) information campaigns to ensure the public is aware of response plans and services that will be activated when necessary;

(4) efforts the Federal Government should undertake and agreements the Federal Government should enter into with international allies to enhance the readiness of the United States to provide for the general welfare;

(5) how the strategy will be implemented should multiple levels of critical infrastructure have been taken offline or destroyed by catastrophic or other incidents or the effects of catastrophic incidents;

(6) the impact the strategy will have on the availability of critical goods and basic necessities;

(7) the impact the strategy will have on the availability of critical goods and basic necessities;

(8) the impact the strategy will have on the availability of critical goods and basic necessities;

(9) the impact the strategy will have on the availability of critical goods and basic necessities; and

(10) how the strategy will support the core missions of the Department of Homeland Security.

(c) ASSUMPTIONS.—In designing the strategy under this section, the Secretary shall account for certain factors to make the strategy operationally viable, including the assumption that—

(1) multiple levels of critical infrastructure have been taken offline or destroyed by catastrophic or other incidents or the effects of catastrophic incidents;

(2) impacted sectors may include—

(A) the transportation sector;

(B) the communication sector;

(C) the energy sector;

(D) the healthcare and public health sector;

(E) the water and wastewater sector; and

(F) the financial sector;

(3) State, local, Indian Tribal, and territorial governments have been equally affected or made largely inoperable by catastrophic incidents or the effects of catastrophic incidents;

(4) the strategy has exceeded the response capabilities of State, local, and Indian Tribal governments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or other relevant disaster response laws; and

(5) the United States military is sufficiently engaged in armed or cyber conflict with State or non-State adversaries, or is otherwise unable to augment domestic response capabilities in a significant manner due to a catastrophic incident.

SEC. 5106. VALIDATION OF THE STRATEGY THROUGH AN EXERCISE.

Not later than 1 year after the addition of the annex required under section 5105, the Department of Homeland Security shall lead an exercise as part of the national exercise program to test and enhance the operationalization of the strategy required under section 5105. (a) I N GENERAL.—The Secretary shall provide recommendations to Congress for—

(1) actions that should be taken to prepare the United States to implement the required strategy under section 5105, increase readiness, and address preparedness gaps for responding to the impacts of catastrophic incidents on citizens of the United States; and

(b) I NCLUDING IN REPORTS.—The Secretary may include the recommendations required under subsection (a) in a report submitted under section 5105.

SEC. 5107. REPORTING REQUIREMENTS.

Not later than 1 year after the date of enactment of this Act and every 180 days thereafter for 4 years, the Secretary shall submit to Congress a report that includes—

(1) a description of the efforts of the Secretary to develop and update the strategy required under section 5105; and

(2) an after-action report following the conduct of the exercise described in section 5106.

SEC. 5108. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to supersede the civilian emergency management authority of the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or the Post Katrina Emergency Management Reform Act (6 U.S.C. 701 et seq.), or the Public Health Service Act (42 U.S.C. 295 et seq.), or any other authority of the Federal Government under Federal law regarding emergencies.
security and trade, as such matters relate to the mission and the operations of the Department.

(3) ADDITIONAL RESPONSIBILITIES.—In addition to the duties specified in paragraph (2), the Assistant Secretary for Economic Security, at the direction of the Under Secretary for Strategy, Policy, and Plans, may—

(i) coordination of supply chain policy; and

(ii) assessments and reports to Congress related to critical economic security domains;

(4) TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.—Each Transnational Criminal Investigative Unit, foreign law enforcement offi-
cials who shall collaborate with Homeland Security Investigations to investigate and prosecute individuals involved in transnational criminal activity.

(c) VETTING REQUIREMENT.—

(1) IN GENERAL.—Before entry into a Transnational Criminal Investigative Unit, and at periodic intervals while serving in such a unit, foreign law enforcement officials shall be required to pass certain security evaluations, which may include a background check, a polygraph examination, a urinalysis test, or other measures that the Secretary determines to be appropriate.

(2) LEARY VETTING REQUIREMENT.—No member of a foreign law enforcement unit may be a Transnational Criminal Investigative Unit if the Secretary, in coordination with the Secretary of State, has credible information that such foreign law enforcement unit has committed a gross violation of human rights, consistent with the limitations set forth in section 103 of the Foreign Assistance Act of 1961 (22 U.S.C. 2378a).

(3) APPROVAL AND CONCURRENCE.—The establishment and continued support of the Transnational Criminal Investigative Units who are assigned under paragraph (1)—

(A) shall be performed with the approval of the chief of mission to the foreign country to which they are assigned; and

(B) shall be consistent with the duties and powers of the Secretary of State and the chief of mission for a foreign country under section 106 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4602) and section 207 of the Foreign Service Act of 1980 (22 U.S.C. 4271), respectively; and

(C) shall not be established without the concurrence of the Assistant Secretary of State for International Narcotics and Law Enforcement.

(4) REPORT.—The Executive Associate Director of Homeland Security Investigations shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Oversight and Government Reform, the Committee on Homeland Security of the House of Representatives that describes—

(A) the procedures used for vetting Transnational Criminal Investigative Unit members to include compliance with the vetting required under paragraph (3); and

(B) any additional measures that should be implemented to prevent personnel in vetted units from being compromised by criminal organizations.

(d) MONETARY STIPEND.—The Executive Associate Director of Homeland Security Investigations is authorized to pay vetted members of a Transnational Criminal Investigative Unit a monetary stipend in an amount associated with their duties dedicated to unit activities.

(e) ANNUAL BRIEFING.—The Executive Associate Director of Homeland Security Investigations, during the 5-year period beginning on the date of the enactment of this Act, shall provide all appropriate and classified briefing to the congressional committees referred to in subsection (c)(3), which may include a classified session, if necessary, that identifies—

(1) the number of vetted members of Transnational Criminal Investigative Unit in each country

(2) the amount paid in stipends to such members, disaggregated by country;

(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country; and

(4) whether any vetted members of the Transnational Criminal Investigative Unit in each country were involved in any unlawful activity, including human rights abuses or significant acts of corruption.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 890B the following:

“Sec. 890C. Transnational Criminal Investigative Units.

Subtitle D—Technological Hazards Preparedness and Training

SEC. 5131. SHORT TITLE.

This subtitle may be cited as the “Technological Hazards Preparedness and Training Act of 2022.”

SEC. 5132. STIPENDS FOR TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.

(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:

“SEC. 890C. TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.

“(a) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, shall operate Transnational Criminal Investigative Units within Homeland Security Investigations.

(b) COMPOSITION.—Each Transnational Criminal Investigative Unit shall be composed of foreign law enforcement officials who shall collaborate with Homeland Security Investigations to investigate and prosecute individuals involved in transnational criminal activity.

(c) VETTING REQUIREMENT.—

(1) IN GENERAL.—Before entry into a Transnational Criminal Investigative Unit, and at periodic intervals while serving in such a unit, foreign law enforcement officials shall be required to pass certain security evaluations, which may include a background check, a polygraph examination, a urinalysis test, or other measures that the Secretary determines to be appropriate.

(2) LEARY VETTING REQUIREMENT.—No member of a foreign law enforcement unit may be a Transnational Criminal Investigative Unit if the Secretary, in coordination with the Secretary of the Federal Emergency Management Agency.

SEC. 5133. ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS.

(a) IN GENERAL.—The Administrator shall maintain the capacity to provide States, local, and Indian Tribal governments with technological hazards and related emerging threats technical assistance, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(b) AUTHORITIES.—The Administrator shall carry out subsection (a) in accordance with—

(1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) section 1206 of the Disaster Recovery Act of 2018 (42 U.S.C. 5196g); and


(c) ASSESSMENT AND NOTIFICATION.—In carrying out subsection (a), the Administrator shall—

(1) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State, and;

(2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

(i) technological hazards and related emerging threats preparedness; and

(ii) building community capability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(1) actions taken to implement this section; and

(2) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year
period preceding the date of submission of the report.
(e) Consultation.—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, territorial, and local emergency services organizations and private sector leaders.
(f) Coordination.—The Secretary of Homeland Security shall coordinate with the Secretary of Energy relating to technological hazards and training for a hazard that could result from activities or facilities authorized or licensed by the Department of Energy.

SEC. 5141. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Office by the Secretary.

Nothing in this subtitle shall diminish or divert resources from—
(1) the full completion of federally-led chemical, biological, and radiological defense studies; or
(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).

Subtitle E—Offices of Countering Weapons of Mass Destruction and Health Security

SEC. 5141. SHORT TITLE.
This subtitle may be cited as the “Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022.”

CHAPTER 1—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

SEC. 5142. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.
(1) in section 1901 (6 U.S.C. 591)—
(A) in subsection (c), by amending paragraphs (1) and (2) to read as follows:
"(1) matters and strategies pertaining to—
"(A) weapons of mass destruction; and
"(B) chemical, biological, radiological, nuclear, and other related emerging threats; and
"(2) coordinating the efforts of the Department to counter—
"(A) weapons of mass destruction; and
"(B) chemical, biological, radiological, nuclear, and other related emerging threats; and
and
(B) by striking subsection (e); and
(2) by amending section 1921 (6 U.S.C. 591g) to read as follows:
"SEC. 1921. MISSION OF THE OFFICE.
The Office shall be responsible for—
"(1) coordinating the efforts of the Department to counter—
"(A) weapons of mass destruction; and
"(B) chemical, biological, radiological, nuclear, and other related emerging threats; and
(2) enhancing the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of attacks using—
"(A) weapons of mass destruction against the United States; and
"(B) chemical, biological, radiological, nuclear, and other related emerging threats against the United States.
(b) Technology Directorate.—The Technology Directorate (6 U.S.C. 591h)—
(1) by striking subsection (b); and
(B) by redesigning subsections (a) and (b) as subsections (a) and (b), respectively;
(B) by inserting before subsection (b), as so redesignated, the following:
"(a) Office Responsibilities.—
"(1) In General.—For the purposes of coordinating and integrating the Department to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—
"(A) provide expertise and guidance to Department leadership and components on chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subsection (b); and
"(B) in coordination with the Office for Strategy, Policy, and Plans, lead development of policies and strategies to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats on behalf of the Department;
"(2) Identify, assess, and prioritize capability gaps relating to the strategic and mission objectives of the Department for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;
"(D) in coordination with the Office for Intelligence and Information Analysis, support components of the Department, and Federal, State, local, Tribal, and territorial partners, provide intelligence and information analysis and reports on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;
"(E) in consultation with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;
"(F) in coordination with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;
"(G) as appropriate, develop, acquire, and deploy counter weapons of mass destruction capabilities, and
"(H) carry out any other duties assigned to the Office by the Secretary.
"(2) Detection and Reporting.—For purposes of the detection and reporting responsibilities of the Office for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—
"(A) in coordination with end users, including State, local, Tribal, and territorial partners, as appropriate,
"(i) carry out a program to test and evaluate technology, in consultation with the Science and Technology Directorate, to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, in coordination with other Federal agencies, as appropriate, and establish performance metrics to evaluate the effectiveness of individual detectors and detection systems in detecting those weapons or material—
"(i) under realistic operational and environmental conditions; and
"(ii) against realistic adversary tactics and countermeasures;
"(B) in coordination with end users, conduct, support, coordinate, and encourage a transformational program of research and development to generate and improve technology to detect and report on the illicit entry, transport, assembly, or potential use within the United States, of weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, and coordinate such activities with the Under Secretary for Science and Technology on research and development efforts relevant to the mission of the Office and the Under Secretary for Science and Technology;
"(C) before carrying out operational testing under subparagraph (A), develop a testing and evaluation plan that articulates the requirements for the user and describes how these capability needs will be tested in developmental test and evaluation and operational test and evaluation;
"(D) as appropriate, develop, acquire, and deploy equipment to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material in support of Federal, State, local, Tribal, and territorial governments;
"(E) support and enhance the effective sharing and use of appropriate information on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material to foreign governments, as well as provide appropriate information to those entities to carry out their counterterrorism and countermeasures; and
"(G) perform other duties as assigned by the Secretary;";
(c) In subsection (b), as so redesignated—
(1) in the subsection heading, by striking "MISSION" and inserting "RADIOLOGICAL AND NUCLEAR RESPONSIBILITIES";
(2) in paragraph (1)—
(i) by inserting "deploy," after "acquire," and

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(II) by striking "deployment" and inserting "operations";

(III) by striking paragraphs (6) through (10);

(iv) redesignating paragraphs (11) and (12) as paragraphs (6) and (7), respectively;

(v) in paragraph (7)(C)(v), as so redesignated:

(1) in the matter preceding subclause (I), by inserting "except as otherwise provided," before "require"; and

(II) in subclause (B), as so redesignated:

(aa) in the matter preceding item (aa), by striking "death or disability" and inserting "death, disability, or a finding of good cause as determined by the Assistant Secretary (including extreme hardship, extreme need, or the needs of the Office) and for which the Assistant Secretary may grant a waiver of the requirement"; and

(bb) in item (bb), by adding "and" at the end;

(vi) by striking paragraph (13); and

(vii) by striking paragraph (14) as paragraph (8); and

(viii) by inserting after subsection (b), as so redesignated, the following:

(c) CHEMICAL AND BIOLOGICAL RESPONSIBILITIES.—The Office—

"(1) shall be responsible for coordinating with other efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, protect against, and mitigate the impacts of chemical and biological threats against the United States; and

"(2) shall—

(A) serve as a primary entity of the Federal Government to further develop, acquire, deploy, and support the operations of a national biosurveillance system in support of Federal, State, local, Tribal, and territorial governments, and improve that system over time;

(B) enhance the chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments and provide guidance, tools, and training to help ensure a managed, coordinated response; and

(C) collaborate with the Biomedical Advanced Research and Development Authority, the Office of Health Security, the Defense Advanced Research Projects Agency, and the National Aeronautics and Space Administration, and other relevant Federal stakeholders, and receive input from industry, academia, and the national laboratories on chemical and biological surveillance efforts;"


(A) identifying any organizational changes necessary for the Department to prevent, detect, protect against, and respond to biological threats; and

(B) establishing how the Department enforces the implementation of any operational changes necessary to carry out clauses (i) and (iv)."

(6) in section 7069 (6 U.S.C. 10009), by striking "and" at the end of paragraph (3) and adding at the end the following:

"(4) EXPEDITED REVIEW.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1)."

(7) in section 1928 (6 U.S.C. 596b), by striking paragraphs (6) through (7) in section 1928 (6 U.S.C. 596b)—

(A) by striking the period at the end of paragraph (1), the Secretary shall issue a national biodefense strategy for the Department that—

(A) is informed by such review and assessment of biodefense policies, practices, programs, and initiatives; and a successor strategy; and

(B) shall—

(i) describe the biodefense mission and role of the Department, as well as how such mission and role relates to the biodefense lines of effort of the Department;

(ii) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the components and offices of the Department involved in the biodefense lines of effort of the Department;

(iii) establish how biodefense lines of effort of the Department are to be coordinated within the Department;

(iv) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, Tribal, and territorial entities, with specificity regarding the frequency and nature of such engagement by Department components and offices with State, local, Tribal and territorial entities; and

(v) include information relating to—

(I) milestones and performance metrics that are specific to the biodefense mission and role of the Department described in clause (i); and

(II) implementation of any operational changes necessary to carry out clauses (i) and (iv).

(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND STRATEGY.—

"(1) In general.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary, in consultation with appropriate stakeholders representing Federal, State, Tribal, local, and private sector, and nongovernmental entities, shall conduct a Departmentwide review of biodefense activities and strategies.

"(2) Review. The Secretary shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1).

(c) NATIONAL BIODEFENSE STRATEGY.—

"(1) In general.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1).

(d) CONGRESSIONAL OVERSIGHT.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

(I) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

(II) the consistency and effectiveness of stakeholder coordination across the mission of the Department, including operational support components within the Department and State and local entities; and

(III) the efforts of the Office to manage and coordinate the lifecycle of research and development initiatives within the Department and with other components of the Department, including the Science and Technology Directorate.

(e) EMPLOYEE MORALE.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

(I) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

(II) the consistency and effectiveness of stakeholder coordination across the mission of the Department, including operational support components within the Department and State and local entities; and

(III) the efforts of the Office to manage and coordinate the lifecycle of research and development initiatives within the Department and with other components of the Department, including the Science and Technology Directorate.

(f) NATIONAL ACADEemies OF SCIENCES, ENGInEERING, AND MEDICine.—

"(1) STUDY.—The Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for a consensus study and report to the Secretary and the appropriate congressional committees on—

(A) biodefense strategies that the Secretary shall issue;
“(A) the role of the Department in preparing, detecting, and responding to biological and chemical security threats to the homeland;”

“(B) recommendations to improve departmental biosurveillance efforts against biological threats, including any relevant biological detection methods and technologies; and

“(C) the feasibility of different technological advances for biodetection compared to the cost, risk reduction, and timeliness of those advances;”

“(2) BRIEFING.—Not later than 1 year after the date on which the Secretary receives the report required under paragraph (1), the Secretary shall brief the appropriate congressional committees on—

“(A) the implementation of the recommendations included in the report; and

“(B) the status of biological detection at the Department, and, if applicable, timelines for the transition from Biowatch to updated technologies.

“(f) ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—Not later than 180 days after the enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall establish an advisory body to provide ongoing coordination of the efforts of the Department to counter weapons of mass destruction, to be known as the Advisory Council for Countering Weapons of Mass Destruction (in this subsection referred to as the ‘Advisory Council’).

“(2) MEMBERSHIP.—The members of the Advisory Council shall—

“(A) be appointed by the Assistant Secretary; and

“(B) to the extent practicable, represent a geographic (including urban and rural) and substantive section cross section of officials, from State, local, and Tribal governments, academia, the private sector, national laboratories, and nongovernmental organizations, including, as appropriate—

“(i) members selected from the emergency management field and emergency response providers;

“(ii) State, local, and Tribal government officials;

“(iii) experts in the public and private sectors with expertise in chemical, biological, radiological, and nuclear agents and weapons;

“(iv) representatives from the national laboratory complex;

“(v) such other individuals as the Assistant Secretary determines to be appropriate.

“(3) RESPONSIBILITIES.—The Advisory Council shall—

“(A) advise the Assistant Secretary on all aspects of countering weapons of mass destruction;

“(B) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction; and

“(C) establish performance criteria for a national biological detection system and review the testing protocol for biological detection prototypes.

“(4) CONSULTATION.—To ensure input from and coordination with State, local, and Tribal governments, in subsection (a)(1)(A) in mediating the delivery of Federal assistance provided by the Department, the Secretary shall regularly consult and work with the Advisory Council on the administration of Federal assistance provided by the Department, including with respect to the development of requirements for countering weapons of mass destruction programs, as appropriate.

“(5) VOLUNTARY SERVICE.—The members of the Advisory Council shall serve on the Advisory Council on a voluntary basis.

“(6) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.”

“(b) COUNTERING WEAPONS OF MASS DESTRUCTION ACT—Section 2 of the Countering Weapons of Mass Destruction Act of 2018 (Public Law 115–337; 122 Stat. 5161) is amended—

“(1) in subsection (b)(2) (6 U.S.C. 591 note), by striking ‘‘2017’’ and inserting ‘‘2026’’; and

“(2) in subsection (g) (6 U.S.C. 591 note)—

“(A) in the matter preceding paragraph (1), by striking ‘‘the date of the enactment of this Act, and annually thereafter.’’; and

“(B) by inserting after paragraph (4) the following:

“(c) SECURITY AND ACCOUNTABILITY.—The Secretary for every Port Act of 2006 (6 U.S.C. 501 et seq.) is amended—

“(1) in section 1(b) (Public Law 109–347; 120 Stat. 1894), by striking the item relating to section 502; and

“(2) by striking section 502 (6 U.S.C. 592a).

“SEC. 5143. RULE OF CONSTRUCTION.

“Nothing in this chapter or the amendments made by this chapter shall be construed to affect or diminish the authorities or responsibilities of the Under Secretary for Science and Technology.

“CHAPTER 2—OFFICE OF HEALTH SECURITY

“SEC. 5144. OFFICE OF HEALTH SECURITY.


“(1) in section 103 (6 U.S.C. 113)—

“(A) by striking ‘(a)’, (B), (C), and (D) and inserting ‘(a), (B), (C), and (D)’, and

“(ii) by striking ‘Affairs, or’ and inserting ‘Affairs, and’;

“(ii) in paragraph (1), by striking ‘Security’; and

“(iv) by redesignating paragraph (6) as paragraph (7); and

“(v) by inserting after paragraph (5) the following:

“(c) RESPONSIBILITIES.—The Assistant Secretary for Health Security shall be the Assistant Secretary for Health Security and the Chief Medical Officer of the Department; and

“(1) be the Assistant Secretary for Health Security and the Chief Medical Officer of the Department;

“(2) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health;

“(3) be appointed by the President; and

“(4) report directly to the Secretary.’’;

“(C) in subsection (c)—

“(i) in the matter preceding paragraph (1), by striking ‘‘medical issues related to natural disasters, acts of terrorism, and other incidents’’ and inserting ‘‘medical issues related to natural disasters, acts of terrorism, and other incidents; and the oversight of all medical, public health, and workforce health and safety matters of the Department’’;

“(ii) in paragraph (1), by striking ‘‘, the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials’’ and inserting ‘‘and all other Department officials’’;

“(iii) in paragraph (4), by striking ‘‘and’’ at the end;

“(iv) by redesigning paragraph (5) as paragraph (6); and

“(v) by inserting after paragraph (4) the following:

“(D) by overseeing all medical and public health activities of the Department, including the delivery, advisement, and oversight of direct patient care and the organization, management, and staffing of component operations that deliver direct patient care;

“(6) advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer and deputy chief medical officer or the employee who functions in the capacity of chief medical officer and deputy chief medical officer;

“(7) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding knowledge and skill as a means for personnel and the assessment of that knowledge and skill;

“(8) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding the collection, storage, and oversight of medical records;

“(9) with respect to any psychological health counseling program of the Department, including such a program of a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program regarding—

“(A) ensuring such program includes safeguards against adverse action, including automatic referrals for a fitness for duty examination, by such component, with respect to any employee solely because such employee self-identifies a need for psychological health counseling or assistance or receives such counseling or assistance;

“(B) increasing the availability and number of local psychological health professionals with experience providing psychological support services to personnel; and

“(C) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;

“(D) establishing periodic management training on crisis intervention and such component’s psychological health counseling or assistance program;

“(E) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

“(F) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

“(G) including, when appropriate, collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;

“(H) in consultation with the Chief Information Officer of the Department—

“(1) identifying methods and technologies for managing, updating, and overseeing patient records and/or direct patient care.

“(I) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

“(I) advising the Secretary and the head of each component of the Department that...
delivers direct patient care regarding contracts for the delivery of direct patient care, other medical services, and medical supplies; (12) coordinating with the Countering Weapons of Mass Destruction Office and other components of the Department as directed by the Secretary to enhance the ability of Federal, State, local, Tribal, and territorial governments to prevent, detect, protect against, and mitigate the health effects of chemical, biological, radiological, and nuclear issues; and; and (13) [omitted].

(1) TRANSITION.—The individual appointed pursuant to section 1901 of the Homeland Security Act of 2002 (6 U.S.C. 597) of the Department of Homeland Security, as in effect on the date of enactment of this Act, and serving as the Chief Medical Officer of the Department of Homeland Security on the day before the date of enactment of this Act, shall continue to serve as the Chief Medical Officer of the Department on and after the date of enactment of this Act without further action.

(2) RULE OF CONSTRUCTION.—The rule of construction described in section 2(b) of the Presidential Appointment Efficiency and Negotiated Service (PASE) Reform Act of 2002 (6 U.S.C. 5112 note) shall not apply to the Chief Medical Officer of the Department of Homeland Security, including the incumbent who holds the position on the day before the date of enactment of this Act, and such officer shall be paid pursuant to section 3132(a)(2) or 3135 of title 5, United States Code.

(3) TRANSFER.—The Secretary of Homeland Security shall transfer to the Chief Medical Officer of the Department of Homeland Security—

(A) all functions, personnel, budget authority, and assets of the Under Secretary for Management relating to workforce health and safety, as in existence on the date before the date of enactment of this Act;

(B) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the Chief Medical Officer, including the Medical Operations Directorate of the Countering Weapons of Mass Destruction Office, as in existence on the day before the date of enactment of this Act; and

(C) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office associated with the efforts pertaining to the program coordination activities relating to defending the food, agriculture, and veterinary defenses of the Office, as in existence on the day before the date of enactment of this Act.

SEC. 5143. MEDICAL COUNTERMEASURES PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating section 520 as section 2304 and transferring such section to appear after section 2301 as so redesignated.

SEC. 5146. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

Title XXIII of the Homeland Security Act of 2002, as added by this chapter, is amended by adding at the end the following:

SEC. 2305. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) Definitions.—In this section:

(1) health care provider.—The term "health care provider" means an individual who—

(A) is—

(i) an employee of the Department;

(ii) a detailee to the Department from another Federal agency;

(iii) a personal services contractor of the Department; or

(iv) hired under a contract for services;

(b) performs health care services as part of duties of the individual in that capacity; and

(2) has a current, valid, and unrestricted license or certification;

(3) is authorized by a State, the District of Columbia, or a commonwealth, territory, or possession of the United States; and

(4) that is for the practice of medicine, osteopathic medicine, nursing, optometry, emergency medical services, or other health profession.

(2) MEDICAL QUALITY ASSURANCE PROGRAM.—The term "medical quality assurance program" means any activity carried out by the Department to assess the quality of medical care or other quality of care, including the credentialing and periodic recredentialing of individuals, committees, or other review bodies responsible for quality assurance, credentials, infection control, incident reporting, the delivery, administration, and oversight of direct patient care and assessment (including treatment procedures, blood, drugs, and therapies), medical records, health care management review, preventive identification and prevention of medical, mental health, or dental incidents and risks.

SEC. 5147. MEDICAL QUALITY ASSURANCE RECORD OF THE DEPARTMENT.—The term 'medical quality assurance record of the Department' means all information, including the programs, records (including quality assurance records that the Department creates and maintains as part of a system of records), minutes, and reports that—

(A) emanate from quality assurance program activities described in paragraph (2); and

(B) are produced or compiled by the Department as part of a medical quality assurance program.

(b) CONFIDENTIALITY OF RECORDS.—A medical quality assurance record of the Department that is created as part of a medical quality assurance program—

(1) is confidential and privileged; and

(2) except as provided in paragraph (d), may not be disclosed to any person or entity.

(c) PROHIBITION ON DISCLOSURE AND TESTIMONY.—Except as otherwise provided in this section, (1) no part of any medical quality assurance record of the Department may be subject to discovery or admitted into evidence in any judicial or administrative proceeding; and

(2) an individual who reviews or creates a medical quality assurance record of the Department or who participates in any proceeding that reviews or creates a medical quality assurance record of the Department may not be permitted or required to testify in any judicial or administrative proceeding with respect to the record or with respect to any finding, recommendation, evaluation, opinion, or action taken by that individual in connection with the record.

(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record of the Department may be disclosed, and a person described in subsection (c)(2) may give testimony in connection with the record, only as follows:

(A) To a Federal agency or private organization, if the medical quality assurance record of the Department or testimony is needed by the Federal agency or private organization to—

(i) perform licensing or accreditation functions related to Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services;

(B) To an administrative or judicial proceeding concerning an adverse action related to the credentialing or other quality of care provided by a present or former health care provider by the Department.

(C) To a governmental board or agency or to a professional health care society or organization, if the medical quality assurance record of the Department or testimony is
needed by the board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care service provided by a health care provider for the Department.

"(D) To a hospital, medical center, or other institution that provides health care services, if the medical quality assurance record of the Department or testimony is needed by the institution to assess the professional qualifications of any health care provider providing any health care services in or on behalf of the institution.

"(E) To an employee, a detailee, or a contractor of the Department who has a need for the medical quality assurance record of the Department or testimony to perform official duties or duties within the scope of their contract.

"(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that the medical quality assurance record of the Department or testimony be provided for a purpose authorized by law.

"(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality described in paragraph (F), but only with respect to the subject of the proceeding.

"(2) PERSONALLY IDENTIFIABLE INFORMATION.—

(A) IN GENERAL.—With the exception of the subject of a quality assurance action, personally identifiable information of any person receiving health care services from the Department or of any other person associated with the Department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record of the Department shall not be made available to any other department or agency of the United States if the record pertains to any person receiving health care services from the Department or of any other person associated with the Department.

(B) APPLICATION.—The requirement under subparagraph (A) shall not apply to the release of information that is permissible under section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’).

"(e) DISCLOSURE FOR CERTAIN PURPOSES.—Nothing in this section shall be construed—

(1) to authorize or require the withholding of any record or entity described in item (2) if the withholding or disclosure of aggregate statistical information regarding the results of medical quality assurance programs, under de-identification standards developed by the Secretary in consultation with the Secretary of Health and Human Services, as appropriate, that is released in a manner in accordance with all other applicable legal requirements;

(2) to authorize the withholding of any medical quality assurance record of the Department from a committee of either House of Congress, a joint committee of Congress, or the Comptroller General of the United States if the record pertains to any matter within their respective jurisdictions.

"(f) PROHIBITION ON DISCLOSURE OF INFORMATION, RECORD, OR TESTIMONY.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this section.

"(g) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—A medical quality assurance record of the Department shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ‘Freedom of Information Act’).

"(h) LIMITATION ON CIVIL LIABILITY.—A person who participates in the review or creation of, or provides information to a person or body that reviews or creates, a medical quality assurance record of the Department shall not be liable under this section for any sanction, fine, or penalty, or any information contained therein, or the publication or provision of information was—

(1) provided in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place; and

(2) made in accordance with any other applicable legal requirement, including Federal privacy laws and regulations.

"(1) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including the medical record of a patient, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

"(j) PENALTY.—Any person who willfully discloses a medical quality assurance record of the Department other than as provided in this section, knowing that the record is a medical quality assurance record of the Department shall be fined not more than $3,000 in the case of a first offense and not more than $30,000 in the case of a subsequent offense.

"(k) RELATIONSHIP TO COAST GUARD.—The term ‘Coast Guard’ has the meaning given the term in section 711(a) of title 33, United States Code.

"(l) LIMITATION ON CIVIL LIABILITY.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this section.

"(m) WORKFORCE HEALTH AND SAFETY REQUIREMENTS.—

(1) EFFECTS.—The instructions for workforce health and safety requirements included in the emergency or advisory notice issued by the Secretary under section 321r of title 42, United States Code, shall not apply to entities described in subsection (a), which shall include Federal Government agencies and entities.

(2) WORKFORCE HEALTH AND SAFETY TRAINING.—The Secretary shall—

(A) develop a training program for the workforce that is relevant to the functions of the entity and the workforce health and safety requirements; and

(B) ensure that the training program—

(i) is conducted by qualified instructors;

(ii) is conducted in a manner that ensures that all members of the workforce receive equivalent training; and

(iii) includes information on—

(A) the health and safety risks associated with the performance of the entity's functions;

(B) the measures that the entity has implemented to reduce the risk of injury or illness to the workforce;

(C) the employer's policies and procedures with respect to the entity's functions;

(D) the responsibilities of the entity's management and employees to comply with applicable laws and regulations; and

(E) the entity's policies and procedures for reporting incidents involving injuries or illnesses of the workforce.

SEC. 5147. TECHNICAL AND CONFORMING AMENDMENTS.


(1) in the table of contents in section 2(b) (Public Law 107–296; 116 Stat. 2135)—

(A) by striking the items relating to sections 528 and 529 and inserting the following:

“Sec. 529. Transfer of equipment during a public health emergency.”;

(B) by striking the items relating to sections 710, 711, 712, and 713 and inserting the following:

“Sec. 710. Employee engagement.”;

“Sec. 711. Annual employee award program.”;

“Sec. 712. Acquisition professional career program.”;

“(C) by inserting after the item relating to section 1928 the following:

“Sec. 1929. Accountability.”;

(D) by striking the items relating to sections 1931 and 1932 and inserting the following:

“Title XIX—OFFICE OF HEALTH SECURITY

“Sec. 2301. Office of Health Security.”;

“Sec. 2302. Workforce health and safety.”;

“Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.”;

“Sec. 2304. Medical countermeasures.”;

“Sec. 2305. Confidentiality of medical quality assurance records.”;

(2) by redesignating section 529 (6 U.S.C. 321r) as section 528;

(3) in section 704(e)(4) (6 U.S.C. 344o(e)(4)), by striking “section 711(a)” and inserting “section 528”;

(4) by redesignating sections 711, 712, and 713 as sections 710, 711, and 712, respectively; and

(5) by redesignating section 529 (6 U.S.C. 321r), as so redesignated by section 5142 of this Act—

(A) in the paragraph heading, by striking “HAWAIIAN NATIVE-SERVING” and inserting “NATIVE HAWAIIAN-SERVING”;

(B) by striking “Hawaiian native-serving” and inserting “Native Hawaiian-serving”;

(6) by striking the subtitle heading for subpart C of title XIX.

Subtitle F—Satellite Cybersecurity Act

SEC. 5151. SHORT TITLE.

This subtitle may be cited as the “Satellite Cybersecurity Act”.

SEC. 5152. DEFINITIONS.

In this subtitle:

(1) Clearinghouse.—The term ‘clearinghouse’ means a commercial satellite system cybersecurity clearinghouse required to be developed and maintained under section 5154(b)(1).

(2) COMMERCIAL SATELLITE SYSTEM.—The term ‘commercial satellite system’—

(A) means a system that—

(i) is owned or operated by a nonfederal entity based in the United States; and

(ii) is composed of not less than 1 earth satellite; and

(B) includes—

(i) any ground support infrastructure for each satellite in the system; and

(ii) any transmission link among and between any satellite in the system and any ground support infrastructure in the system.

(3) CRITICAL INFRASTRUCTURE.—The term ‘critical infrastructure’ has the meaning given the term in subsection (a) of the Critical Infrastructure Protection Act of 2002 (42 U.S.C. 5190c(e)).

(4) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ has the meaning given the term in subsection 2200 of the Homeland Security Act of 2002, as added by section 5191 of this division.

(5) CYBERSECURITY THREAT.—The term ‘cybersecurity threat’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002, as added by section 5191 of this division.

SEC. 5153. REPORT ON COMMERCIAL SATELLITE CYBERSECURITY.

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the actions the Federal Government has taken to support the cybersecurity of commercial satellite systems, including as part of any action to address the cybersecurity of critical infrastructure sectors.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Space, Science, and Technology of the House of Representatives on the study conducted under subsection (a), which shall include information on—

(1) efforts of the Federal Government to—

(2) support cybersecurity of commercial satellite systems;
(A) address or improve the cybersecurity of commercial satellite systems; and
(B) support related efforts with international entities or the private sector;
(2) make available to the public by Federal agencies to address cybersecurity risks and threats to commercial satellite systems, including resources made available through the clearinghouse;
(3) the extent to which commercial satellite system cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans;
(4) the extent to which Federal agencies are reliant on satellite systems owned wholly or partially by foreign entities, and how Federal agencies mitigate associated cybersecurity risks;
(5) the extent to which Federal agencies coordinate or duplicate authorities and take other actions focused on the cybersecurity of commercial satellite systems; and
(6) as determined appropriate by the Comptroller General of the United States, recommendations for further Federal action to support the cybersecurity of commercial satellite systems, including recommendations on information that should be shared through the clearinghouse.
(c) CONSULTATION.—In carrying out subsection (b), the Comptroller General of the United States shall coordinate with appropriate Federal agencies and organizations, including—
(1) the Department of Homeland Security;
(2) the Department of Commerce;
(3) the Department of Defense;
(4) the Department of Transportation;
(5) the Federal Communications Commission;
(6) the National Aeronautics and Space Administration;
(7) the National Executive Committee for Space-Based Positioning, Navigation, and Timing; and
(8) the National Space Council.
(d) BRIEFING.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall provide a briefing to the appropriate congressional committees on the study conducted under subsection (a).
(e) CLASSIFICATION.—The report made under subsection (b) shall be unclassified but may include a classified annex.

SEC. 5154. RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.
(a) DEFINITIONS.—In this section:
(1) DIRECTOR.—The term ‘Director’ means the Director of the Cybersecurity and Infrastructure Security Agency.
(2) SMALL BUSINESS CONCERN.—The term ‘small business concern’ has the meaning given in the term in section 3 of the Small Business Act (15 U.S.C. 632).
(b) ESTABLISHMENT OF COMMERCIAL SATIELLE SYSTEM CYBERSECURITY CLEARINGHOUSE.—
(1) IN GENERAL.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Director shall develop and maintain a commercial satellite system cybersecurity clearinghouse.
(2) REQUIREMENTS.—The clearinghouse—
(A) shall be publicly available online;
(B) shall contain publicly available commercial satellite system cybersecurity resources, including the voluntary recommendations consolidated under subsection (c)(1);
(C) shall contain appropriate materials for reference by entities that develop, operate, or maintain commercial satellite systems;
(D) shall contain materials specifically aimed at assisting small business concerns with the secure development, operation, and maintenance of commercial satellite systems; and
(E) may contain controlled unclassified information distributed to commercial entities through a process determined appropriate by the Director.
(3) CONTENT MAINTENANCE.—The Director shall maintain current and relevant cybersecurity information on the clearinghouse.
(4) EXISTING PLATFORM OR WEBSITE.—To the extent practicable, the Director shall establish and maintain a website or an online platform, a website, or a capability in existence as of the date of enactment of this Act.
(c) CONSOLIDATION OF COMMERCIAL SATIELLE SYSTEM CYBERSECURITY RECOMMENDATIONS.—
(1) IN GENERAL.—The Director shall consolidate voluntary cybersecurity recommendations designed to assist in the development, maintenance, and operation of commercial satellite systems.
(2) REQUIREMENTS.—The recommendations consolidated under paragraph (1) shall include materials appropriate for a public resource addressing the following:
(A) Risk-informed engineering, including continuous monitoring and resiliency.
(B) Planning for retention or recovery of positive commercial satellite systems in the event of a cybersecurity incident.
(C) Protection against unauthorized access to vital commercial satellite system functions.
(D) Physical protection measures designed to reduce the vulnerabilities of a commercial satellite system's command, control, and telemetry receiver systems.
(E) Protection against jamming, eavesdropping, hijacking, computer network exploitation, and other threats to local satellite, satellite communications, and electromagnetic systems.
(F) Security against threats throughout a commercial satellite system's mission lifetime.
(G) Management of supply chain risks that affect the cybersecurity of commercial satellite systems.
(H) Protection against vulnerabilities posed by ownership of commercial satellite systems or commercial satellite system companies by foreign powers.
(I) Protection against vulnerabilities posed by locating physical infrastructure, such as satellite ground control systems, in foreign countries.
(J) As appropriate, and as applicable pursuant to the maintenance requirement under subsection (b)(3), relevant findings and recommendations from the study conducted by the Comptroller General of the United States under section 513(a).
(K) Any other recommendations to ensure the continuity, availability, and integrity of data residing on or in transit through commercial satellite systems.
(d) IMPLEMENTATION.—In implementing this section, the Director shall—
(1) to the extent practicable, carry out the implementation in partnership with the private sector;
(2) coordinate with—
(A) the National Space Council and the head of any other agency determined appropriate by the National Space Council; and
(B) the heads of other Federal agencies with expertise and experience in satellite operations, including the entities described in section 515(c) to enable the alignment of Federal efforts on commercial satellite system cybersecurity and, to the extent practicable, consistency in Federal recommendations relating to commercial satellite system cybersecurity; and
(3) consult with non-Federal entities developing commercial satellite systems or otherwise supporting the cybersecurity of commercial satellite systems, including private, consensus organizations that develop relevant standards.
(e) SUNSET AND REPORT.—
(1) IN GENERAL.—This section shall cease to have force or effect on the date that is 7 years after the date of the enactment of this Act.
(2) REPORT.—Not later than 6 years after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Space, Science, and Technology of the House of Representatives a report summarizing—
(A) any partnership with the private sector described in subsection (d)(1);
(B) any consultation with a non-Federal entity described in subsection (d)(3);
(C) the coordination carried out pursuant to subsection (d)(2);
(D) the establishment and maintenance of the clearinghouse pursuant to subsection (b); or
(E) any feedback received by the Director on the clearinghouse from non-Federal entities.
SEC. 5155. STRATEGY.
Not later than 120 days after the date of the enactment of this Act, the National Space Council, in coordination with the Director of the Office of Space Commerce and the heads of other relevant agencies, shall submit to the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Space, Science, and Technology and the Committee on Homeland Security of the House of Representatives a strategy for the activities of Federal agencies to address and improve the cybersecurity of commercial satellite systems, which shall include an identification of—
(1) proposed roles and responsibilities for relevant agencies; and
(2) as applicable, the extent to which cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans.
SEC. 5156. RULES OF CONSTRUCTION.
Nothing in this subtitle shall be construed to—
(1) designate commercial satellite systems or other space assets as a critical infrastructure sector; or
(2) infringe upon or alter the authorities of the agencies described in section 515(c).
Subtitle G—Pray Safe Act
SEC. 5151. SHORT TITLE.
This subtitle may be cited as the ‘‘Pray Safe Act’’.
SEC. 5152. DEFINITIONS.
In this subtitle—
(1) the term ‘Clearinghouse’ means the Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship established under section 2220E of the Homeland Security Act of 2002, as added by section 5163 of this subtitle;
(2) the term ‘Department’ means the Department of Homeland Security;
(3) the terms ‘faith-based organization’ and ‘house of worship’ have the meanings given to such terms under section 2220E of the Homeland Security Act of 2002, as added by section 5163 of this subtitle; and
(4) the term ‘Secretary’ means the Secretary of Homeland Security.

SEC. 5163. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(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:

"SEC. 2220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

"(a) DEFINITIONS.—In this section:

"(1) the term 'Clearinghouse' means the Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship established under subsection (b)(1);

"(2) the term ‘faith-based organization’ means a group, center, or nongovernmental organization with a religious, ideological, or spiritual motivation, character, affiliation, or purpose;

"(3) the term ‘house of worship’ means a place of worship, including synagogues, mosques, temples, and churches, in which congregants practice their religious or spiritual beliefs; and

"(4) the term ‘safety and security’, for the purpose of the Clearinghouse, means prevention of, protection against, or recovery from threats, including manmade disasters, natural disasters, or violent attacks.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Pray Safe Act, the Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall establish a Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship within the Department.

"(2) PURPOSE.—The Clearinghouse shall be the primary resource of the Federal Government:

"(A) to educate and publish online best practices and recommendations for safety and security for faith-based organizations and houses of worship; and

"(B) to provide information relating to Federal grant programs available to faith-based organizations and houses of worship.

"(c) PERSONNEL.—

"(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

"(B) DETAILEES.—The Secretary may coordinate detailees as required for the Clearinghouse.

"(d) DESIGNATED POINT OF CONTACT.—There shall be not less than 1 employee assigned or detailed to the Clearinghouse who shall be the designated point of contact to provide information and assistance to faith-based organizations and houses of worship, including assistance relating to the grant program established under section 5165 of the Pray Safe Act.

"(e) Cooperation of Federal agencies.—(1) The designation of a designated point of contact shall be made available on the website of the Clearinghouse.

"(D) QUALIFICATION.—To the maximum extent practicable, personnel assigned or detailed to the Clearinghouse under this paragraph should be familiar with faith-based organizations and houses of worship and with and familiar with the implementation of security measures to identify and prevent safety and security risks.

SEC. 5164. NOTIFICATION OF CLEARINGHOUSE.

The Secretary shall provide written notification to the establishment of the Clearinghouse. The notification shall include an overview of the Clearinghouse as required in section 5165 of this title.
(7) the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate; and
(8) the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives.

SEC. 5165. GRANT PROGRAM OVERVIEW.
(a) DHS GRANTS AND RESOURCES.—The Secretary shall include a grants program overview on the website of the Clearinghouse that shall—
(1) be the primary location for all information pertaining to Department grant programs that are open to faith-based organizations and houses of worship;
(2) directly link to each grant application and all applicable user guides;
(3) identify all safety and security homeland assistance programs managed by the Department that may be used to implement best practices and recommendations of the Clearinghouse;
(4) annually, and concurrent with the application period for any grant identified under paragraph (1), provide information related to the required elements of grant applications to aid smaller faith based organizations and houses of worship in earning access to Federal funding;
(5) provide frequently asked questions and answers for the implementation of best practices and recommendations of the Clearinghouse and best practices for applying for a grant identified under paragraph (1).
(b) OTHER FEDERAL GRANTS AND RESOURCES.—Each Federal agency notified under section 5164 shall provide necessary information on any Federal grant programs or resources of the Federal agency that are available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.
(c) STATE GRANTS AND RESOURCES.—
(1) GENERAL.—Any State notified under paragraph (1), (2), or (6) of section 5164 may provide necessary information on any grant programs or resources of the State available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.
(2) IDENTIFICATION OF RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—
(A) each agency responsible for safety for faith-based organizations and houses of worship in the State that does not have such an agency designated;
(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse;
and
(C) any resources or programs, including community prevention or intervention efforts, that may be used to assist in targeted violence and terrorism prevention.

SEC. 5166. OTHER RESOURCES.
The Secretary shall, on the website of the Clearinghouse, in a separate section for other resources that shall provide a centralized list of all available points of contact to seek assistance in grant applications and in carrying out the best practices and recommendations of the Clearinghouse, including—
(1) a list of contact information to reach Department personnel to assist with grant-related questions;
(2) the applicable Cybersecurity and Infrastructure Security Agency contact information for the National Cyber Advisory Board and the Office of Worship with Protective Security Advisors;
(3) contact information for all Department Fusion Centers, listed by State;
(4) the guideline, If You See Something Say Something Campaign of the Department; and
(5) any other appropriate contacts.

SEC. 5167. RULE OF CONSTRUCTION.
Nothing in this subtitle or the amendments made by this subtitle shall be construed to satisfy, or waive any requirement under Federal civil rights laws, including—
(1) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 5168. EXEMPTION.
Chapter 14, United States Code (commonly known as the ‘‘Paperwork Reduction Act’’) shall not apply to any rulemaking or information collection required under this subtitle or the practices and recommendations of the Homeland Security Act of 2002, as added by section 5183 of this subtitle.

Subtitle H—Invent Here, Make Here for Homeland Security Act

SEC. 5171. SHORT TITLE.
This subtitle may be cited as the ‘‘Invent Here, Make Here for Homeland Security Act’’.

SEC. 5172. PREFERENCE FOR UNITED STATES INDUSTRY.
Section 308 of the Homeland Security Act of 2002 (U.S.C. 168) is amended by adding at the end the following:

`(d) PREFERENCE FOR UNITED STATES INDUSTRY.—
(1) DEFINITIONS.—In this subsection—
(A) COUNTRY OF CONCERN.—The term ‘‘country of concern’’ means a country that—
(i) is a covered nation, as that term is defined in section 482(d) of title 10, United States Code; or
(ii) the Secretary determines is engaged in conduct that is detrimental to the national security of the United States;
(B) FUNDING AGREEMENT; NONPROFIT ORGANIZATION; SUBJECT INVENTION.—The terms ‘‘funding agreement’’, ‘‘nonprofit organization’’, and ‘‘subject invention’’ have the meanings given those terms in section 2000a of chapter 35 of title 44, United States Code; or
(C) MANUFACTURED SUBSTANTIALLY IN THE UNITED STATES.—The term ‘‘manufactured substantially in the United States’’ means manufactured substantially from all articles, materials, or supplies mined, produced, or manufactured in the United States; and
(D) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘‘relevant congressional committees’’ means—
(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and
(ii) the Committee on Homeland Security of the House of Representatives.

(2) PREFERENCE.—Subject to the other provisions of this subsection, no firm or nonprofit organization which receives title to any subject invention developed under a funding agreement shall assign or transfer to any person or entity inside with the Department and no assignee of any such firm or nonprofit organization shall grant the exclusive right to use or sell any subject invention or produce any subject invention or product produced through the use of the subject invention will be manufactured substantially in the United States.

(3) WAIVERS.—
(A) IN GENERAL.—Subject to subparagraph (B), in individual cases, the requirement for an agreement described in paragraph (2) may be waived by the Secretary upon a showing by the firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on substantially similar terms to a firm or nonprofit organization that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.
(B) CONDITIONS ON WAIVERS GRANTED BY DEPARTMENT.—

Sec. 5180. AMENDING SECTION 708 OF THE HOMELAND SECURITY ACT OF 2002.
Section 708(b) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) is amended—
(1) by striking paragraph (8) and inserting the following:

`(8) JOINT TASK FORCE STAFF.—
(A) IN GENERAL.—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of that Joint Task Force in carrying out the mission and responsibilities of that Joint Task Force.
(B) BOARD.—The Secretary shall include in the report submitted under paragraph (6)(F)—
(i) the number of personnel permanently assigned to each Joint Task Force by each component and office; and
(ii) the number of personnel assigned on a temporary basis to each Joint Task Force by each component and office.;
(2) in paragraph (9)—
(A) in the heading, by inserting ‘‘STRATEGY AND OF’’ after ‘‘ESTABLISHMENT OF’’;
(B) by striking subparagraph (A) and inserting the following:

`(A) Subject to performance management and lessons learned by our law enforcement and the Joint Task Forces, establish a strategy for each Joint Task Force that contains—
(i) the mission of each Joint Task Force and strategic goals and objectives to assist the Joint Task Force in accomplishing that mission; and
(ii) performance-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force and measure progress toward the goals and objectives described in clause (i), which include—
(i) targets for current and future fiscal years; and
(ii) a description of the methodology used to establish those metrics regarding the limitations with respect to data or information used to assess performance;';
(C) in subparagraph (B)—
(i) by striking ‘‘subject invention’’ and inserting ‘‘subject invention or application’’; and
(ii) by striking ‘‘the subject invention will be manufactured substantially in the United States’’ and inserting ‘‘the subject invention or application will be manufactured substantially in the United States’’.
(ii) by inserting ‘‘strategy and’’ after ‘‘Senate the’’; and

(iii) by striking the period at the end and inserting ‘‘and’’; and

(D) in the United States Senate paragraph (C) and inserting the following:

‘‘(C) beginning not later than 1 year after the date of enactment of the DHS Joint Task Forces Reauthorization Act of 2022, submit annually to each committee specified in subparagraph (B) a report that—

(i) contains the evaluation described in subparagraph (A); and

(ii) outlines the progress in implementing outcome-based and other performance metrics referred to in subparagraph (A)(i).

(B) in paragraph (A), by striking the period at the end and inserting the following:

‘‘(i) the justification, focus, and mission of the Joint Task Force; and

(ii) a strategy for the conduct of the Joint Task Force, including goals and performance metrics for the Joint Task Force.’’;

4) in paragraph (A), by striking ‘‘January 31, 2018, and January 31, 2021, the Inspector General of the DHS Joint Task Forces Reauthorization Act of 2022, the Comptroller General of the United States’’; and

5) in paragraph (B), by striking clauses (i) and (ii) and inserting the following:

‘‘(i) an assessment of the structure of each Joint Task Force; and

‘‘(ii) an assessment of the effectiveness of oversight over each Joint Task Force;’’

‘‘(iii) an assessment of the strategy of each Joint Task Force; and

‘‘(iv) an assessment of staffing levels and resources of each Joint Task Force.’’; and

5) in paragraph (13), by striking ‘‘2022’’ and inserting ‘‘2023’’.

Subtitle J—Other Provisions

CHAPTER 1—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS

SEC. 5191. CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS.

(a) TECHNICAL AMENDMENT RELATING TO DOTGOV ACT OF 2020.—


(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

(b) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting before the subtitle A heading the following:

‘‘SEC. 2200. DEFINITIONS.

‘‘Except as otherwise specifically provided, in this title:

‘‘(1) AGENCY.—The term ‘Agency’ means the Cybersecurity and Infrastructure Security Agency.

‘‘(2) AGENCY INFORMATION.—The term ‘agency information’ means information collected or maintained by or on behalf of an agency.

‘‘(3) AGENCY INFORMATION SYSTEM.—The term ‘agency information system’ means an information system used or operated by an agency or by another entity on behalf of an agency.

‘‘(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

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

(B) the Committee on Homeland Security of the House of Representatives.

‘‘(5) CRITICAL INFRASTRUCTURE INFORMATION.—The term ‘critical infrastructure information’ means information—

(A) that is critical to the continued operation of an infrastructure or that if not provided or otherwise acquired would—

(1) a system or a consumer of such information.

(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or contact with the entity that is subject to such interference, compromise, or incapacitation.

‘‘(6) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ means information that is necessary to describe or identify—

(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transmitted an information system from a cybersecurity purpose;

(E) malicious cyber command and control;

(F) the actual or potential harm caused by an incident, including a description of the information that may result in a particular cybersecurity threat; or

(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law or regulation or by an order or agreement.

‘‘(7) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ means the purpose of protecting an information system or information that is stored on, processed by, or transmitted an information system from a cybersecurity threat or security vulnerability.

‘‘(8) CYBERSECURITY RISK.—The term ‘cybersecurity risk’—

(A) means threats to and vulnerabilities of information or information systems and that if not identified, prevented, or neutralized, result in or result from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information system or information that may result in or facilitate such consequences caused by an act of terrorism; and

(B) does not include any action that solely involves violation of a consumer term of service or a consumer licensing agreement.

‘‘(9) CYBERSECURITY THREAT.—

‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘cybersecurity threat’ means an action, not protected by the First Amendment to the Constitution of the United States, that occurs through an information system that may result in an unauthorized access to adversely impact the security, availability, confidentiality, or integrity of that information system or that is stored on, processed by, or transmitted an information system.

‘‘(B) EXCLUSION.—The term ‘cybersecurity threat’ does not include an action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

‘‘(10) DEFENSIVE MEASURE.—

‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘defensive measure’ means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transmitted an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

‘‘(B) EXCLUSION.—The term ‘defensive measure’ does not include a measure that destroys, renders unusable, provides unauthorized access to, or steals an information system or information stored on, processed by, or transmitted such information system that is actually owned by, or in the possession of, the entity operating the measure; or

(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to such private entity for operation of such measure.

‘‘(11) DIRECTOR.—The term ‘Director’ means the Director of the Agency.

‘‘(12) HOMELAND SECURITY ENTERPRISE.—

The term ‘Homeland Security Enterprise’ means relevant governmental and non-governmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

‘‘(13) INCIDENT.—The term ‘incident’ means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or information systems, or that results from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information system or information that may result in or facilitate such consequences caused by an act of terrorism, and

(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to such private entity for operation of such measure.

‘‘(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ‘Information Sharing and Analysis Organization’ means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure system availability, integrity, and reliability thereof;

(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to law enforcement, detect, mitigate, or recover from the effects of an interference, a compromise, or an incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to law enforcement, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

‘‘(15) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the
term in section 3562 of title 44, United States Code.

16. INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term ‘intelligence community’ in section 414 of the National Security Act of 1947 (50 U.S.C. 3003(4)).

17. MONITOR.—The term ‘monitor’ means to acquire, identify, or scan, or to possess, information on, or transmitted by, or by transitioning an information system.

18. NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term ‘national cybersecurity asset response activities’ means—

(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks, assets, mitigate cyber incidents, and reduce impacts of cyber incidents;

(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

(D) facilitating information sharing and operational coordination with threat response committees of Congress.

19. NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 11136 of title 49, United States Code.

20. SECTOR RISK MANAGEMENT AGENCY.—The term ‘Sector Risk Management Agency’ means a Federal department or agency designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting vulnerability assessments associated with its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

21. SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

22. SECURITY VULNERABILITY.—The term ‘security vulnerability’ means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

23. SHARING.—The term ‘sharing’ (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).


(A) by amending section 2201 (6 U.S.C. 651) to read as follows:

SEC. 2201. DEFINITION.

In this subtitle, the term ‘Cybersecurity Advisory Committee’ means the advisory committee established under section 2219(a)."

(B) in section 2202 (6 U.S.C. 652)—

(i) in subsection (a)(1), by striking ‘‘in this subtitle referred to as the ‘Director’’; and

(ii) in subsection (f), by striking ‘‘Executive’’ before ‘‘Assistant Director’’; and

(iii) in paragraph (2), by inserting ‘‘Executive’’ after ‘‘Assistant Director’’; and

(ii) by redesignating subsections (b) through subsection (o) as subsections (a) through (n), respectively;

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

(I) in subparagraph (A)(iii), as so redesignated, by striking ‘‘, as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))’’; and

(II) in subparagraph (B)(ii), by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

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

(I) in the matter preceding paragraph (1), by striking ‘‘Information (c)’’ and inserting ‘‘subsections (b);’’ and

(II) in paragraph (1)(E)(i)(II), by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

(v) in subsection (j), as so redesignated, by striking subsection (c)(8)’’ and inserting ‘‘subsection (b)(8)’’;

(vi) by redesignating the first subsections (p) and (q) and second subsections (p) and (q) as subsections (o) and (p) and subsections (q) and (r), respectively;

(vii) in subsection (o), as so redesignated—

(I) in paragraph (2A), by striking ‘‘subsection (c)(2B)’’ and inserting ‘‘subsection (c)(2)’’;

(II) in paragraph (3B)(i), by striking ‘‘subsection (c)(2B)’’ and inserting ‘‘subsection (c)(2)’’;

(D) in section 2210 (6 U.S.C. 660)—

(i) by striking subsection (a);

(ii) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively;

(iii) in subsection (b), as so redesignated—

(I) by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

(II) by striking ‘‘(as defined in section 2220)’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

(F) in section 2213 (6 U.S.C. 663)—

(i) by striking subsection (a);

(ii) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(iii) in subsection (b), as so redesignated, by striking ‘‘subsection (b);’’ each place it appears and inserting ‘‘subsection (a);’’

(iv) in subsection (d), as so redesignated, in the matter preceding paragraph (1), by striking ‘‘subsection (b);’’ and inserting ‘‘subsection (a);’’ and

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

(I) in paragraph (1)—

(aa) in the matter preceding subparagraph (A), by striking ‘‘subsection (c)(2);’’ and inserting ‘‘subsection (c)(2);’’

(bb) in subparagraph (A), by striking ‘‘subsection (c)(1);’’ and inserting ‘‘subsection (b)(1);’’ and

(cc) in subparagraph (B), by striking ‘‘subsection (c)(2);’’ and inserting ‘‘subsection (b)(2);’’

(II) in paragraph (2), by striking ‘‘subsection (c)(2);’’ and inserting ‘‘subsection (b)(2);’’

(H) in section 2216 (6 U.S.C. 665b)—

(i) in subsection (d)(2), by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organizations’’; and

(ii) by striking subsection (f) and inserting the following:

‘‘(f) DEFENSIVE MEASURE.—In this section, the term ‘defensive measure’ means the use of a defensive measure.’’;

(I) in section 2218(c)(4)(A) (6 U.S.C. 665d(c)(4)(A)), by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

(J) in section 2220A (6 U.S.C. 665p)—

(i) in subsection (a)—

(I) by striking paragraphs (1), (2), (5), and (6); and

(II) by redesignating paragraphs (3), (4), (7), (8), (9), (10), (11), and (12) as paragraphs (1) through (8), respectively;

(ii) in subsection (e)(2)(B)(iv)(II)(aa), by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organization’’;

(iii) in subsection (p), by striking ‘‘appropriate committees of Congress’’ and inserting ‘‘appropriate congressional committees’’; and

(iv) in subsection (q)(4), in the matter preceding clause (a), by striking ‘‘appropriate committees of Congress’’ and inserting ‘‘appropriate congressional committees’’.

(K) in section 2220C (6 U.S.C. 6651)—

(i) by striking paragraphs (2) and (3) and inserting paragraph (2) and (3), respectively; and

(ii) by redesignating paragraphs (4) as paragraph (3); and

(iii) by redesigning paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

3. TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2315) is amended—

(A) by inserting before the item relating to subtitle A of title XXII the following:

‘‘Sec. 2220. Definitions."

(B) by striking the item relating to section 2221 and inserting the following:

‘‘Sec. 2221. Definition."

4. CYBERSECURITY ACT OF 2015 DEFINITION.—Section 2221 of the Cybersecurity Act of 2015 (6 U.S.C. 1501) is amended—

(A) by striking paragraphs (4) through (7) and inserting the following:

‘‘(4) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ has the meaning given the term in section 2210 of the Homeland Security Act of 2002.’’

(B) by redesigning paragraphs (3) and (5), and (8); and

(ii) by redesigning paragraph (4) as paragraph (5); and

(iii) by redesigning paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

5. TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2315) is amended—

(A) by inserting before the item relating to subtitle A of title XXII the following:

‘‘Sec. 2220. Definitions."

(B) by striking the item relating to section 2221 and inserting the following:

‘‘Sec. 2221. Definition."

(C) by redesigning paragraphs (3) and (5), and (8); and

(ii) by redesigning paragraph (4) as paragraph (5); and

(iii) by redesigning paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

6. CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ has the meaning given the term in section 2210 of the Homeland Security Act of 2002.
(17) SECURITY VULNERABILITY.—The term ‘security vulnerability’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

(c) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—


(A) in section 226 (6 U.S.C. 1521)—

(i) in paragraph (2), by striking “section 2210” and inserting “section 2230”; and

(ii) by striking “section 2209” and inserting “section 2220”; and

(B) in section 223(b) (6 U.S.C. 1521 note), by striking “section 2213(b)(1)” each place it appears and inserting “section 2213(a)(1)”; and

(C) in section 226 (6 U.S.C. 1524)—

(i) in subsection (a)—

(I) in paragraph (1), by striking “section 2218” and inserting “section 2230”; and

(ii) in paragraph (2), by striking “section 2212” and inserting “section 2200”;

(II) in paragraph (4), by striking “section 2210(b)(1)” and inserting “section 2215(a)(1)”; and

(III) in paragraph (4), by striking “section 2215(b)(1)” and inserting “section 2215(a)(1)”; and

(IV) in paragraph (5), by striking “section 2213(b)” and inserting “section 2213(a)”; and

(ii) in subsection (c)(1)(A)(vi), by striking “section 2213(c)(5)” and inserting “section 2213(c)(2)”; and

(D) in section 227 (6 U.S.C. 1525), by striking “section 2213(d)(2)” and inserting “section 2213(c)(2)”; and

(2) PUBLIC HEALTH SERVICE ACT.—Section 211(d)(4)(D) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(4)(D)) is amended by inserting “section 227(b)” in appropriate places.

(3) WILLIAM J. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021.—Section 9002 of the William J. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a) is amended—

(A) in subsection (a)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(iii) by amending paragraph (7) to read as follows—

(7) SECTOR RISK MANAGEMENT AGENCY.—The term ‘sector risk management agency’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

(B) in subsection (c)(3)(A), by striking “section 2201(5)” and inserting “section 2220”; and


(6) SMALL BUSINESS ACT.—Section 21(a)(3)(B) of the Small Business Act (15 U.S.C. 632) is amended by striking “section 2209(a)” and inserting “section 2209”.


CHAPTER 2—POST-DISASTER MENTAL HEALTH RESPONSE ACT

SEC. 5102. POST-DISASTER MENTAL HEALTH RESPONSE.

(a) SHORT TITLE.—This section may be cited as the ‘Post-Disaster Mental Health Response Act’.

(b) CRISIS COUNSELING ASSISTANCE AND TRAINING.—Section 3 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by inserting “and section 416” after “section 408”.

TITLE III—GOVERNMENTAL AFFAIRS

Subtitle A—Intragovernmental Cybersecurity Information Sharing Act

SEC. 5201. REQUIREMENT FOR INFORMATION SHARING AGREEMENTS.

(a) SHORT TITLE.—This section may be cited as the ‘Intragovernmental Cybersecurity and Counterintelligence Information Sharing Act’.

(b) CONGRESSIONAL LEADERSHIP DEFINED.—In this section, the term ‘congressional leadership’ means—

(1) the Majority and Minority Leader of the Senate, in agreement with the Sergeant at Arms and Doorkeeper of the Senate or the Secretary of the Senate; and

(2) the Speaker and Minority Leader of the House of Representatives in agreement with the Chief Administrative Officer of the House of Representatives or the Sergeant at Arms of the House of Representatives.

(c) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall enter into 1 or more information sharing agreements to enhance collaboration between the executive branch and Congress on implementing cybersecurity measures and counterintelligence protection to improve the protection of legislative branch information technology and personnel.

(A) the Sergeant at Arms and Doorkeeper of the Senate with respect to cybersecurity information sharing, in consultation with congressional leadership; and

(B) the Secretary of the Senate with respect to counterintelligence information sharing, in consultation with congressional leadership.

(C) the Chief Administrative Officer of the House of Representatives with respect to cybersecurity information sharing, in consultation with congressional leadership; and

(D) the Sergeant at Arms of the House of Representatives with respect to counterintelligence information sharing, in consultation with congressional leadership.

(2) TEST AND HARNESS APPLIED ARTIFICIAL INTELLIGENCE.—Not later than 210 days after the date of enactment of this Act, the President shall brief the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate, the Committee on Oversight and Reform and the Committee on House Administration of the House of Representatives, and congressional leadership on the implementation of the agreements required under subsection (c).

Subtitle B—Improving Government for America’s Taxpayers

SEC. 5211. GOVERNMENT ACCOUNTABILITY OFFICE UNIMPLEMENTED PRIORITY RECOMMENDATIONS.

The Comptroller General of the United States shall, as part of the Comptroller General’s annual reporting to committees of Congress—

(1) consolidate Matters for Congressional Coordination from the Government Accountability Office in one report organized by policy topic that includes the amount of time such Matters have been unimplemented and the status of each such recommendation for congressional leadership and the oversight committees of each House;

(2) with respect to the annual letters sent by the Comptroller General to individual agency heads and relevant congressional committees on the status of unimplemented priority recommendations, identify any additional congressional action that can help agencies implement such priority recommendations and address any underlying issues relating to such implementation;

(3) make publicly available the information described in paragraphs (1) and (2); and

(4) publish any known costs of unimplemented priority recommendations, if applicable.

Subtitle C—Advancing American AI Act

SEC. 5221. SHORT TITLE.

This subtitle may be cited as the ‘Advancing American AI Act’.

SEC. 5222. PURPOSES.

The purposes of this subtitle are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enable the competitive advantage of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurship;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions; and

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness artificial intelligence to enhance mission effectiveness and business practice efficiency.
SEC. 5222. DEFINITIONS.
In this subtitle:

(1) AGENT.—The term ‘agency’ has the meaning given the term in section 3502 of title 44, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

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

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) ARTIFICIAL INTELLIGENCE.—The term ‘artificial intelligence’ has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ‘artificial intelligence system’—

(A) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology;

(ii) artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology stack; or

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or navigation system.

(5) DEPARTMENT.—The term ‘Department’ means the Department of Homeland Security.

(6) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

SEC. 5224. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled ‘Key Considerations for the Responsible Development and Fielding of AI’; and

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and

(3) the input of—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) the Inspector General of the Department of Homeland Security; and

(D) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer of the Department of Homeland Security, and the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be necessary by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, and associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems;

(ii) security against misuse, degradation, or rendering inoperable of artificial intelligence-enabled systems; and

(iii) the data system, software, application, tool, or utility.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies as determined to be appropriate by the Director, shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall establish a number of best practices for governance, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information; and

(2) MAINTENANCE AND REVIEWS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Director shall—

(A) review the operations of the Office of the Inspector General to continually advance their understanding of—

(i) artificial intelligence systems;

(ii) best practices for governance, oversight, and use of artificial intelligence systems; and

(iii) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(b) PILOT PROGRAM.—

(1) INVENTORY.—Not later than 1 year after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall ensure appropriate use and protection of privacy and of sensitive law enforcement, national security, and other protected information.

(2) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(A) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(B) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies as determined to be appropriate by the Director.

(d) DEPARTMENT OF DEFENSE.—Nothing in this section shall apply to the Department of Defense.

SEC. 5226. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 or more use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) INVENTORY.—Not later than 1 year after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and the Chief Procurement Officer, and other interagency bodies as determined to be appropriate by the Director, shall—

(A) update the means developed under paragraph (1), and

(B) annually thereafter on the implementation of this subsection.

(2) CERTIFICATION.—This This section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.
(1) PURPOSE.—The purposes of the pilot program under this subsection include—
(A) to enable agencies to operate across organizational boundaries, coordinating between and integrating programs and systems to improve delivery of the agency mission; and
(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall initiate the pilot of the four new artificial intelligence use case applications identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—
(A) evaluate risks in utilizing artificial intelligence systems; and
(B) develop a risk mitigation plan to address those risks, including consideration of—
(i) the artificial intelligence system not performing as expected;
(ii) the lack of sufficient or quality training data; and
(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) OTHER CONSIDERATIONS.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—
(A) would benefit from commercially available privacy-preserving technologies, such as use of differential privacy, federated learning, and secure multiparty computing; and
(B) otherwise take into account considerations of civil rights and civil liberties.

(5) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:
(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—
(i) predictive food demand and optimized supply;
(ii) predictive medical supplies and equipment and optimized supply; and
(iii) predictive logistics to accelerate disaster preparation, response, and recovery.
(B) Applied artificial intelligence to accelerate and optimize industrial and logistics efficiencies, such as—
(i) predictive warehouse and logistics systems to enable increased efficiency and optimization.

(6) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish standards for artificial intelligence capability within each of the 4 use case pilots under this subsection that—
(A) solves data access and usability issues with graph analytics and eliminates or minimizes the need for manual data cleaning and harmonization efforts;
(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agencies and the Government make better decisions and take faster actions;
(C) organizes data for meaningful data visualization and analysis so the Government has greater transparency and situational awareness to improve use case outcomes;
(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible
(E) enables knowledge transfer and collaboration across agencies; and
(F) presents property rights to the data and output for benefit of the Federal Government and agencies.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 15 years after the date of enactment of this Act.

SEC. 5227. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—
(1) in subsection (c), by striking $10,000,000 and inserting $25,000,000;
and
(2) by amending subsection (f) to read as follows:

(1) DEFINITIONS.—In this section—
(A) the term ‘commercial product’ means—
(i) an item that is subject to section 2001 of the Federal Acquisition Regulation; and
(ii) any other consideration determined appropriate by the Administrator and Director.

(b) BRIEFING.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Director, shall coordinate with the heads of agencies to develop a comprehensive, strategic plan for Federal electric aircraft vehicle battery management.

(c) MODIFICATION.—The strategic plan required under subsection (a) shall—
(1) maximize both cost and environmental efficiencies; and
(2) incorporate—
(A) guidelines for optimal charging practices that will maximize battery longevity and prevent premature degradation;
(B) guidelines for reusing and recycling the batteries of retired vehicles;
(C) guidelines for disposing electric vehicle batteries that cannot be reused or recycled; and
(D) any other considerations determined appropriate by the Administrator and Director.

(d) CONSULTATION.—In developing the strategic plan required under subsection (a) as the Administrator and Director may determine necessary based on new information relating to electric vehicle batteries that becomes available.

SEC. 5228. INTELLIGENCE COMMUNITY EXCEPTION.

Nothing in this subtitle shall apply to any element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 403).

Subtitle D—Strategic EV Management

SEC. 5231. SHORT TITLE.

This section may be cited as the ‘‘Strategic EV Management Act of 2022.’’

SEC. 5232. DEFINITIONS.

In this subtitle:
(A) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of General Services.

(B) AGENCY.—The term ‘‘agency’’ has the meaning given the term in section 551 of title 5, United States Code.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—
(A) the Committee on Homeland Security and Governmental Affairs of the Senate;
(B) the Committee on Oversight and Reform of the House of Representatives;
(C) the Committee on Environment and Public Works of the Senate; and
(D) the Committee on Energy and Commerce of the House of Representatives.

(D) DIRECTOR.—The term ‘‘Director’’ means the Director of the Office of Management and Budget.

SEC. 5233. STRATEGIC GUIDANCE.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Director, shall coordinate with the heads of agencies to develop a comprehensive, strategic plan for Federal electric aircraft vehicle battery management.

(b) BRIEFING.—The strategic plan required under subsection (a) shall—
(1) maximize both cost and environmental efficiencies; and
(2) incorporate—
(A) guidelines for optimal charging practices that will maximize battery longevity and prevent premature degradation;
(B) guidelines for reusing and recycling the batteries of retired vehicles;
(C) guidelines for disposing electric vehicle batteries that cannot be reused or recycled; and
(D) any other considerations determined appropriate by the Administrator and Director.

(e) MODIFICATION.—The Administrator, in consultation with the Director, may periodically update the strategic plan required under subsection (a) as the Administrator and Director may determine necessary based on new information relating to electric vehicle batteries that becomes available.

(f) CONSULTATION.—In developing the strategic plan required under subsection (a) as the Administrator, in consultation with the Director, may consult with appropriate entities, including—
(1) the Secretary of Energy;
(2) the Administrator of the Environmental Protection Agency;
(3) the Chair of the Council on Environmental Quality;
(4) scientists who are studying electric vehicle batteries and reuse and recycling solutions; and
(5) other interested laboratories, companies, colleges, universities, or start-ups engaged in battery use, reuse, and recycling research;

(g) INDUSTRY.—Industries interested in electric vehicle battery reuse and recycling; and

(h) ELECTRIC VEHICLE.—Electric vehicle equipment manufacturers and recyclers.
(8) any other relevant entities, as determined by the Administrator and Director.

(e) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator and Director shall submit to the appropriate congressional committees a report that describes the strategic plan required under subsection (a).

(2) NOTIFICATION.—Not later than 4 years after the date of enactment of this Act, the Administrator and Director shall brief the appropriate congressional committees on the implementation of the strategic plan required under subsection (a) across agencies.

SEC. 5238. STUDY OF FEDERAL FLEET VEHICLES.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on how the costs and benefits of operating and maintaining electric vehicles in the Federal fleet compare to the costs and benefits of operating and maintaining internal combustion engine vehicles.

Subtitle E—Congressionally Mandated Reports

SEC. 5241. SHORT TITLE.

This subtitle may be cited as the “Access to Congressionally Mandated Reports Act.”

SEC. 5242. DEFINITIONS.

In this subtitle:

(1) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” means the Speaker, majority leader, and minority leader of the House of Representatives and the majority leader and minority leader of the Senate.

(2) CONGRESSIONALLY MANDATED REPORT.—

(A) IN GENERAL.—The term “congressionally mandated report” means a report of a Federal agency that is required by statute to be submitted to either House of Congress or any committee of Congress or subcommittee thereof.

(B) EXCLUSIONS.—

(i) PATRIOTIC AND NATIONAL ORGANIZATIONS.—The term “congressionally mandated report” does not include a report required under part B of subtitle II of title 36, United States Code.

(ii) INSPECTORS GENERAL.—The term “congressionally mandated report” does not include a report by an office of an inspector general.

(iii) NATIONAL SECURITY EXCEPTION.—The term “congressionally mandated report” does not include a report that is required to be submitted to one or more of the following committees:

(I) The Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Relations of the Senate.

(II) The Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Affairs of the House of Representatives.

(3) DIRECTOR.—The term “Director” means the Director of the Government Publishing Office.

(4) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “federal agency” under section 102 of title 40, United States Code, but does not include the Government Accountability Office or an element of the intelligence community.

(5) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(6) ONLINE PORTAL.—The term “reports online portal” means the online portal established under section 5242(a).

SEC. 5243. ESTABLISHMENT OF ONLINE PORTAL FOR CONGRESSIONALLY MANDATED REPORTS.

(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish and maintain an online portal accessible by the public that allows the public to search for and download copies of congressionally mandated reports in one place.

(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director in consultation with the Director of National Intelligence.

(b) CONTENT AND FUNCTION.—The Director shall ensure that the online portal includes the following:

(1) A citation to the statute requiring the report.

(2) An electronic copy of the report, including any transmittal letter associated with the report, that—

(A) is based on an underlying open data standard that is maintained by a standards organization;

(B) allows the full text of the report to be searchable; and

(C) is not encumbered by any restrictions that would impede the reuse or searchability of the report.

(3) The ability to retrieve a report, to the extent practicable, through searches based on each, any combination, of the following:

(I) The title of the report.

(ii) The reporting Federal agency.

(iii) The date of publication.

(iv) Each congressional committee or subcommittee receiving the report, if applicable.

(v) The statute requiring the report.

(vi) Subject tags.

(vii) A unique alphanumeric identifier for the report that is consistent across report editions.

(viii) The serial number, Superintendent of Documents number, or other identification number for the report, if applicable.

(ix) Key words.

(x) Full text search.

(xi) Any other relevant information specified by the Director.

(D) The date on which the report was required under subsection (c), not later than 30 days after the date on which a congressionally mandated report was submitted to the Director, the Librarian of Congress, or a committee of Congress or subcommittee thereof.

(E) To the extent practicable, a permanent means of linking to the report electronically.

(F) An open and unencumbered means for bulk download of all congressionally mandated reports.

(G) No restriction that would impede the reuse or searchability of the report.

(H) The means for bulk download of all congressionally mandated reports.

(I) To the extent practicable, a permanent means of linking to the report electronically.

(b)(5)(B).

(3) A means for downloading individual reports as the result of a search.

(4) An electronic means for the head of each Federal agency to submit to the reports online portal each congressionally mandated report of the agency, as required by sections 5244 and 5246.

(5) In tabular form, a list of all congressionally mandated reports that can be searched, searched for, accessed, and found.

(A) reports submitted within the required time;

(b)(5)(C).

(b) CONTENT.—The term “congressionally mandated report” means a report of a Federal agency that does not meet the criteria described in subsection (b)(1)(B), the Director shall include the congressionally mandated report on the reports online portal.

(d) DEADLINE.—The Director shall ensure that the information required to be published on the reports online portal under this subtitle with respect to a congressionally mandated report or information required under subsection (c) of this section is published—

(1) not later than 30 days after the information is received from the Federal agency involved; or

(2) in the case of information required under subsection (c), not later than 30 days after the deadline under this subtitle for the Federal agency involved to submit information with respect to a congressionally mandated report involved.

(e) EXCEPTION FOR CERTAIN REPORTS.—

(1) EXCEPTION DESCRIBED.—A congressionally mandated report which is required by statute to be submitted to a committee of Congress or a subcommittee thereof, including any transmittal letter associated with the report, shall not be submitted or published on the reports online portal if the chair of a committee or subcommittee to which the report is submitted notifies the Director in writing that the report is to be withheld from submission and publication under this subtitle.

(f) NOTICE ON PORTAL.—If a report is withheld from submission to or publication on the reports online portal under paragraph (1), the Director shall post on the portal—

(A) a statement that the report is withheld at the request of a committee or subcommittee involved; and

(B) the written notification provided by the chair of the committee or subcommittee specified in paragraph (1).

(f)(1).

(g) FREE ACCESS.—The Director may not charge a fee, require registration, or impose any other limitation in exchange for access to the reports online portal.

(h) UPGRADE CAPABILITY.—The reports online portal shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(i) SUBMISSION TO CONGRESS.—The submission of a congressionally mandated report to the reports online portal under this subtitle shall not be construed to satisfy any requirement to submit the congressionally mandated report to Congress, or a committee or subcommittee thereof.

SEC. 5244. FEDERAL AGENCY RESPONSIBILITIES.

(a) SUBMISSION OF ELECTRONIC COPIES OF REPORTS.—Not earlier than 30 days after the date on which a congressionally mandated report is submitted to either House of Congress or to any committee of Congress or subcommittee thereof,
the head of the Federal agency submitting the congressionally mandated report shall submit to the Director the information required under subparagraphs (A) through (D) of section 5249(b) with respect to the congressionally mandated report. Notwithstanding standing section 5246, nothing in this subtitle shall relieve a Federal agency of any other statute. Any information that is required to be withheld under subsection (b) of section 552 of title 5, United States Code, or that is required to be withheld under section 552a of title 5, United States Code.

(c) Withholding of information.—Nothing in this subtitle shall construe to require the public release of information that is classified, the public release of which could have a harmful effect on national security, or that is otherwise prohibited by any other statute. Nothing in this subtitle shall construe to require the publication on the reports online portal of any congressionally mandated report—

(A) containing information that is law enforcement sensitive, or

(B) that describes information security policies, procedures, or activities of the executive branch.

(3) Law enforcement sensitive.—Nothing in this subtitle shall construe to require the publication on the reports online portal of any congressionally mandated report which—

(A) is required by statute to be submitted to the House of Representatives, or the Speaker thereof, or the Senate, or the President or President Pro Tempore thereof, at any time on or after the date of the enactment of this Act; or

(B) is included by the Clerk of the House of Representatives or the Secretary of the Senate (as the case may be) on the list of reports which are required to be submitted to Congress by a statute enacted before the date of the enactment of this Act.

(c) Responsibility for withholding of information.—In carrying out a feasibility study for a project for flood or coastal storm risk management, the Secretary, at the request of a subcommittee, may change or remove a congressionally mandated report pursuant to the requirements of this section.

SEC. 5247. IMPLEMENTATION.

(a) Reports Submitted to Congress.—(1) In general.—This subtitle shall apply with respect to any congressionally mandated report which—

(A) is required by statute to be submitted to the House of Representatives, or the Speaker thereof, or the Senate, or the President or President Pro Tempore thereof, at any time on or after the date of the enactment of this Act; or

(B) is included by the Clerk of the House of Representatives or the Secretary of the Senate (as the case may be) on the list of reports which are required to be submitted to Congress by a statute enacted before the date of the enactment of this Act.

(2) Transition rule for previously submitted reports.—To the extent practicable, the Director shall ensure that any congressionally mandated report described in paragraph (1) which was required to be submitted to Congress by a statute enacted before the date of the enactment of this Act is published on the reports online portal under this subtitle.

(b) Reports Submitted to Committees.—In the case of congressionally mandated reports which are required by statute to be submitted to a committee of Congress or a subcommittee thereof, this subtitle shall apply with respect to—

(1) any such report which is first required to be submitted by a statute which is enacted on or after the date of the enactment of this Act; and

(2) to the maximum extent practicable, any congressionally mandated report which was required to be submitted by a statute enacted on or after the date of enactment of this Act unless—

(A) the chair of the committee, or subcommittee thereof, to which the report was required to be submitted notifies the Director in writing that the report is to be withheld from publication on the reports online portal.

(c) Access for Congressional Leadership.—Notwithstanding any provision of this subtitle or any other provision of law, congressional leadership shall have access to the congressionally mandated report.

DIVISION J—WATER RESOURCES DEVELOPMENT ACT OF 2022

SEC. 5001. SHORT TITLE.

This division may be cited as the “Water Resources Development Act of 2022.”

SEC. 5002. DEFINITION OF SECRETARY.

In this division, the term “Secretary” means the Secretary of the Army.

TITLe 1—GENERAL PROVISIONS

SEC. 5010. SCOPE OF FEASIBILITY STUDIES.

(a) Flood and Coastal Storm Risk Management.—In carrying out a feasibility study for a project for flood or coastal storm risk management, the Secretary, at the request of a committee of Congress or specific committees of Congress, may change or remove a congressionally mandated report for the study, shall formulate alternatives to maximize net benefits from the reduction of the comprehensive flood risk that is identified through a holistic evaluation of the isolated and compound effects of—

(1) a riverine discharge of any magnitude or frequency;

(2) inundation, wave attack, and erosion coinciding with a hurricane or coastal storm;

(3) a tide of any magnitude or frequency;

(4) a rainfall event of any magnitude or frequency;

(5) seasonal variation in water levels;

(6) groundwater emergence;

(7) sea level rise;

(8) subsidence; or

(9) any other driver of flood risk affecting the study area.

(b) Water Supply, Water Supply Conservation, and Drought Risk Reduction.—In carrying out a feasibility study for a project for water supply, water supply conservation, and drought risk reduction, the Secretary, at the request of a committee of Congress or specific committees of Congress, may change or remove a congressionally mandated report for the study, shall formulate alternatives to—

(1) to maximize combined net benefits for the primary purpose of the study and for water supply, water supply conservation, and drought risk reduction; or

(2) include 1 or more measures for the purpose of water supply, water supply conservation, or drought risk reduction.

(c) Cost Sharing.—All costs to carry out a feasibility study in accordance with this section shall be shared in accordance with the cost share requirements otherwise applicable to the study.

SEC. 5012. SHORELINE AND RIVERBANK PROTECTION AND RESTORATION MISSION.

(a) Declaration of Policy.—Congress declares that—

(1) consistent with the civil works mission of the Corps of Engineers, it is the policy of the United States to protect and restore the shorelines, riverbanks, and streambanks of the United States from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems;

(2) the Chief of Engineers shall give priority consideration to the protection and restoration of the shorelines, riverbanks, and streambanks from erosion and other damaging impacts of extreme weather events in

...
carrying out the civil works mission of the Corps of Engineers;  
(3) to the maximum extent practicable, projects and measures for the protection and restoration of coastal shorelines, riverbanks, and streambanks shall be formulated to increase the resilience of such shores and banks from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems using measures described in section 118(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); and  
(4) to the maximum extent practicable, periodic nourishment shall be provided, in accordance with section 116 of the Act of August 13, 1946 (60 Stat. 1056, chapter 966; 33 U.S.C. 426c(c)), and subject to section 156 of the Water Resources Development Act of 1978 (42 U.S.C. 19624-5g), for projects and measures carried out for the purpose of restoring and increasing the resilience of ecosystems to the same extent as periodic nourishment is provided for projects and measures carried out for the purpose of coastal storm risk management.  
(b) SHORELINE AND RIVERINE PROTECTION AND RESTORATION  
(1) IN GENERAL.—Section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2323) is amended—  
(A) in the section heading, by striking "FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM" and inserting "SHORELINE AND RIVERINE PROTECTION AND RESTORATION";  
(B) by striking subsection (a) and inserting the following:  
"(a) IN GENERAL.—The Secretary may carry out projects—  
"(1) to reduce flood and coastal storm hazards, including shoreline erosion and riverbank and streambank failures; or  
"(2) to restore the natural functions and values of river and shoreline throughout the United States.",  
(C) in subsection (b)—  
(i) by striking paragraph (1) and inserting the following:  
"(1) AUTHORITY.—  
"(A) STUDIES.—The Secretary may carry out studies to identify appropriate measures for—  
"(i) the reduction of flood and coastal storm hazards, including shoreline erosion and riverbank and streambank failures; or  
"(ii) the use of the natural functions and values of rivers and shorelines.",  
(B) PROJECTS.—Subject to subsection (f)(2), the Secretary may design and implement projects described in subsection (a);  
(ii) in paragraph (3), by striking "flood damages" and inserting "flood and coastal storm damages, including the use of measures described in section 118(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); and  
(iii) in paragraph (4)—  
(I) by inserting "and coastal storm" after "flood";  
(II) by inserting ", shoreline," after "riverine"; and  
(III) by inserting "and coastal barriers" after "floodplains";  
(D) in subsection (c)—  
(i) by striking paragraph (1) and inserting the following:  
"(1) STUDIES.—  
"(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of a study under this section shall be—  
"(i) 50 percent; and  
"(ii) 10 percent, in the case of a study benefiting an economically disadvantaged community as defined pursuant to section 190 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260));  
(II) by striking subparagraph (A) and inserting the following:  
"(A) FEDERAL INTEREST DETERMINATION.—  
"The first $100,000 of the costs of a study under this section shall be at full Federal expense.",  
(II) by striking paragraph (2)—  
(I) in the paragraph heading, by striking "FLOOD CONTROL"; and  
(II) by striking subparagraph (A) and inserting the following:  
"(A) IN GENERAL.—Design and construction of a nonstructural measure or project, a measure or project described in section 118(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)), or for a measure or project for environmental restoration, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefiting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260));  
(III) in paragraph (3)—  
(I) in the paragraph heading, by striking "CONTROL," and inserting "AND COASTAL STORM RISK MANAGEMENT";  
(II) by striking "control" and inserting "and coastal storm risk management"; and  
(III) by striking section 103(a) of the Water Resources Development Act of 1996 (33 U.S.C. 2213(a)) and inserting "section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefiting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)) shall be 10 percent.",  
(E) in subsection (d)—  
(i) by striking paragraph (2);  
(ii) by striking the subsection designation and heading and all that follows through "Notwithstanding" in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:  
"(d) PROJECT JUSTIFICATION.—Notwithstanding":  
(iii) by redesignating subparagraphs (A) through (GG) as subparagraphs (A) through (GG), respectively, and indenting appropriately; and  
(iv) in paragraph (1) (as so redesignated)—  
(I) by inserting "or coastal storm" after "flood"; and  
(II) by inserting ", including erosion or riverbank or streambank failures" after "damages";  
(F) in subsection (e)—  
(i) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (GG), respectively, and indenting appropriately;  
(ii) in the matter preceding subparagraph (A) (as so redesignated), by striking "in carrying out" and inserting the following:  
"(1) IN GENERAL.—In carrying out"; and  
(iii) by adding at the end the following:  
"(2) PRIORITY PROJECTS.—In carrying out this section after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall prioritize projects for the following locations:  
"(A) Delaware beaches and watersheds, Delaware.  
"(B) Louisiana Coastal Area, Louisiana.  
"(C) Great Lakes Shores and Watersheds.  
"(D) Oregon Coastal Area, Oregon.  
"(E) Upper Missouri River Basin.  
"(F) Chesapeake Bay watershed and Maryland beaches, Maryland.  
"(G) by striking paragraphs (f), (g), and (h); and  
(H) by redesigning subsection (h) as subsection (f); and  
(I) in subsection (f) (as so redesignated), by striking paragraph (2) and inserting the following:  
"(2) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—The Secretary shall not carry out a project until Congress enacts a law authorizing the Secretary to carry out the project, if the Federal share of the cost to design and construct the project exceeds—  
"(A) $20,000,000, in the case of a project benefiting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)); and  
"(B) $23,000,000, in the case of a project other than a project benefiting an economically disadvantaged community (as so defined) that—  
"(i) is for purposes of environmental restoration; or  
(ii) derives not less than 50 percent of the erosion, flood, or coastal storm risk reduction benefits from nonstructural measures or measures described in section 118(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); or  
"(C) $18,500,000, for a project other than a project described in subparagraph (A) or (B).":  
(C) EMERGENCY STREAMBANK AND SHORELINE PROTECTION.—Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking the item relating to section 212 and inserting the following:  
"Sec. 212. Shoreline and riverine protection and restoration."

(d) SAVINGS PROVISIONS.—Nothing in this section precludes—

(1) a Federal agency with administrative jurisdiction over Federal land from contributing to the federal share of the cost of a measure described in subsection (a) that benefits that land; or

(2) the Secretary, at the request of the non-Federal sponsor, to conduct a study for a project for flood or coastal storm risk management, from using funds made available to the Secretary for water resources development investigations to formulate measures to reduce risk to a military installation, if the non-Federal interest shares in the cost to formulate those measures to the same extent that the non-Federal interest is required to share in the cost of the study.

(e) REPEAL.—

(1) In general.—Section 1025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2236) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1195) is amended by striking the item relating to section 1025.

SEC. 5105. POLICY AND TECHNICAL STANDARDS.

Consistent with the 5-year administrative publication life cycle of the Department of the Army, the Secretary shall revise, rescind, or certify as current, as applicable, each of the civil works programs of the Corps of Engineers.

SEC. 5106. PLANNING ASSISTANCE TO STATES.

(a) In General.—Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “section 236 of title 10” and inserting “section 411 of title 10”;

(B) by adding at the end the following:—

“(4) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize and engage with States and other non-Federal interests about the mis-

scions, programs, policies, and procedures of the Corps of Engineers.”

(b) CONFORMING AMENDMENT.—Section 1022 of the Water Resources Development Act of 2014 (33 U.S.C. 2233(a)) is amended—

(1) in subsection (b)—

(A) by striking “or” or before “an authorized coastal navigation project”;

(B) by inserting “or any other water re-

source development project for which the Secretary is authorized to reimburse the non-Federal interest for the Federal share of construction or operation and maintenance,” before the Secretary”;

(C) by striking “of the project” and insert-

(D) by inserting “or coastal storm risk manage-

ment” after “flood risk management”;

(E) by striking “risk to a military installation” and inserting “risk to a military installation, if the non-

Federal interest shares in the cost to formulate those measures to the same extent that the non-Federal interest is required to share in the cost of the study.”

SEC. 5107. FLOODplain MANAGEMENT SERVICES.

Section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking “Surveys and guides’’ and inserting the following:—

“(2) SURVEYS AND GUIDES.—Surveys and guides’’;

(B) in the first sentence—

(i) by striking “identification of areas subject to floods due to accumulated snags and other obstructions’’ after “inaudition by floods of various magnitudes and frequencies,’’; and

(ii) by striking “in recognition” and in-

serting the following:—

“(1) IN GENERAL.—In recognition’’; and

(C) by adding at the end the following:—

“(3) IDENTIFICATION OF ASSISTANCE.—

(A) IN GENERAL.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall identify and communicate to States and non-Federal interests described in paragraph (1) the need for assistance with the Corps of Engineers to address flood hazards.

(B) COORDINATION.—The Secretary shall coordinate and make known to States and non-Federal interests described in paragraph (1) the need for assistance with the Corps of Engineers to address flood hazards.

SEC. 5108. WORKFORCE PLANNING.

(a) DEFINITION OF HISTORICALLY BLACK COL-

JOKES ON UNIVERSITY.—In this section, the term “historically Black college or university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1022).

(b) AUTHORIZATION.—The Secretary is au-

thorized to carry out activities, at full Federal expense—

(1) to foster, enhance, and support science, technology, engineering, and math education and awareness; and

(2) to recruit individuals for careers at the Corps of Engineers.

(c) PARTNERING ENTITIES.—In carrying out activities under this section, the Secretary may enter into partnerships with—

(1) public and nonprofit elementary and secondary schools;

(2) community colleges;

(3) technical schools;

(4) colleges and universities, including his-

orically Black colleges and universities; and

(5) other institutions of learning.

(d) PRIORITIZATION.—The Secretary shall, to the maximum extent practicable, prioritize the recruitment of individuals under this section that are located in eco-

nomically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).

(e) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2023 through 2027.

SEC. 5109. CREDIT IN LIEU OF REIMBURSEMENT.

(a) IN GENERAL.—Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a)—

(A) by striking “or” before “an authorized coastal navigation project’’; and

(B) by inserting “or any other water re-

source development project for which the Secretary is authorized to reimburse the non-Federal interest for the Federal share of construction or operation and maintenance,” before the Secretary.”

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

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

lowing:—

“(b) OUTREACH.—

(1) IN GENERAL.—The Secretary shall provide assistance under this subsection in a manner that will maximize the opportunity for—

(A) to inform and educate States and other non-Federal interests about the missions, programs, policies, and procedures of the Corps of Engineers;

(B) to engage with States and other non-

Federal interests to identify specific oppor-

tunities to partner with the Corps of Engi-

neers to address water resources develop-

ment needs.

“(2) STAFF.—The Secretary shall designate staff in each district office of the Corps of Engineers to provide assistance under this subsection.

“(3) OUTREACH.—There is authorized to be appropriated $30,000,000 for each fiscal year to carry out subsection (b).

“(4) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this section to economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).

“(b) TREATMENT OF CREDIT BETWEEN PROJ-

ECTS.—Section 7007(d) of the Water Resources Development Act of 1986 (31 Stat. 1277; 128 Stat. 1226) is amended by inserting “, and” after “may be applied” and inserting “ or” after “or may be applied”.

“(c) TREATMENT OF CREDIT BETWEEN FEDER-

AL AND NON-FEDERAL PROJECTS.—Section 1025(a) of the Water Resources Development Act of 2014 (33 U.S.C. 2236(b)) is amended—

(1) by inserting “ or coastal storm risk manage-

ment” after “flood risk management”;

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

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

lowing:—

“(d) ADJUSTMENT OF FUNDS.—With respect to a project under section 1025(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2236), the Secretary shall exercise the authority under this section to apply credits and reimbursements related to the project in the performance of the requirements of subsection (d) of that section.”

SEC. 5110. COASTAL COST CALCULATIONS.

Section 152(a) of the Water Resources Develop-

ment Act of 2020 (33 U.S.C. 2233(a)) is amended by inserting “or coastal storm risk management” after “flood risk management”.

SEC. 5111. ADVANCE PAYMENT IN LIEU OF REIM-

BURSEMENT FOR CERTAIN FEDERAL COSTS.

The Secretary is authorized to provide in advance to the non-Federal interest the Federal share of funds required for the acquisition of land, easements, and rights-of-way for a project or separable element—

(1) authorized to be constructed at full Federal expense;

(2) described in section 103(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2233(b)(2)); or

(3) described in, or modified by an amend-

ment made by, section 101, if at any time the cost to acquire the land, eas-

ements, and rights-of-way required for the project is projected to exceed the non-

Federal share of the cost of the project.

SEC. 5112. USE OF EMERGENCY FUNDS.

Section 5(a) of the Act of August 18, 1911 (commonly known as the “Flood Control Act of 1911”) (55 Stat. 650, chapter 377, 33 U.S.C. 701a), is amended—

(1) in paragraph (1), in the first sentence, by inserting “, increase resilience, increase transportation in prevention of inundation, wave attack, or erosion,” after “address major deficiencies”; and

(2) by adding at the end the following:

“(b) WORK CARRIED OUT BY A NON-FEDERAL SPONSOR.—

“(A) GENERAL RULE.—The Secretary may authorize a non-Federal sponsor to plan, de-

sign, construct repair or restoration work described in paragraph (1).

“(B) REQUIREMENTS.—

(1) IN GENERAL.—To be eligible for a pay-

ment under this subparagraph (C) of the Federal share of a planning, design, or construction activity for repair or restoration work described in paragraph (1), the non-Federal sponsor shall enter into a partnership with the Secretary before carrying out the activity.
“(ii) COMPLIANCE WITH OTHER LAWS.—The non-Federal sponsor shall carry out all activities under this paragraph in compliance with all laws and regulations that would apply if such activities were carried out by the Secretary.

“(C) PAYMENT.—

“(1) IN GENERAL.—The Secretary is authorized to pay (in advance or reimbursement, as the form of an advance or reimbursement, to the non-Federal sponsor for the Federal share of the cost of a planning design, or construction activity for repair or restoration work described in paragraph (1).

“(ii) ADDITIONAL AMOUNTS.—If the Federal share of the cost of the activity under this paragraph exceeds the amount obligated by the Secretary under an agreement under subparagraph (B), the advance or reimbursement of such additional amounts shall be at the discretion of the Secretary.

“(D) ANNUAL LIMIT ON REIMBURSEMENTS NOT APPLICABLE.—Section 102 of the Energy and Water Development Appropriations Act, 2006 (33 U.S.C. 2213) shall not apply to an agreement under subparagraph (B).”.

SEC. 5113. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 7 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended—

“(1) in the section heading, by striking “COLLABORATIVE”;

“(2) in subsection (b), by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

“(3) by striking subsection (e);

“(4) by redesigning subsections (b), (c), (d), and (f) as paragraphs (2), (3), (4), and (5), respectively, and indenting appropriately;

“(5) in subsection (a), by striking “of the Army Corps of Engineers, the Secretary is authorized to utilize Army” and inserting the following: “of the Corps of Engineers, the Secretary is authorized to engage in basic research, applied research, advanced research, and development projects, including such projects that are—

“(1) authorized by Congress; or

“(2) included in an Act making appropriations for the Corps of Engineers.

“(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—In carrying out subsection (a), the Secretary is authorized to—

“(b) C OMMITTEE.—The term “Committee” means the Committee established under subsection (b).

“(c) OTHER TRANSACTIONS.—

“(1) AUTHORITY.—The Secretary may enter into transactions (other than contracts, cooperative agreements, and grants) in order to carry out this section.

“(2) EDUCATION AND TRAINING.—The Secretary shall—

“(A) ensure that management, technical, and contracting personnel of the Corps of Engineers are green in the award or administration of transactions under this section or other innovative forms of contracting are afforded opportunities for adequate education and training;

“(B) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and requirements for acquisition certification programs.

“(3) NOTIFICATION.—The Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice of any transaction under this subsection not less than 30 days before entering into the transaction.

“(4) REPORT.—Not later than 3 years and not later than the 5 years after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the use of the authority under paragraph (1).

“(d) PROJECTS.—

“(1) IN GENERAL.—For fiscal year 2025, and annually thereafter, in conjunction with the annual budget submission of the President to Congress under section 119(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the use of the authority under paragraph (1).

“(e) RESEARCH AND DEVELOPMENT ACCOUNT.—

“(1) IN GENERAL.—There is established a Research and Development account of the Corps of Engineers, if applicable; and

“(2) CONTENTS.—A report under paragraph (1) shall include—

“(A) a description of each ongoing and new project, including—

“(i) the estimated total cost; (ii) the amount of Federal expenditures; (iii) the amount of expenditures by a non-Federal entity as described in subsection (b)(1); if applicable;

“(iv) the estimated timeline for completion;

“(v) the requesting district of the Corps of Engineers, if applicable; and

“(vi) if the project is consistent with subsection (a); and

“(B) any additional information that the Secretary determines to be appropriate.

“(f) COST-SHARING.—

“(1) IN GENERAL.—Except as provided in subsection (b)(3) and paragraph (2), a project carried out under this section shall be at full Federal expense.

“(2) TREATMENT.—Nothing in this subsection waives applicable cost-share requirements for a water resources development project if the project is defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)).

“(g) SAVINGS CLAUSE.—Nothing in this section shall prevent the Secretary from carrying out a project requested by a district of the Corps of Engineers in support of a water resources development project or feasibility study as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)).

“(h) RESEARCH AND DEVELOPMENT ACCOUNT.—

“(1) IN GENERAL.—There is established a Research and Development account of the Corps of Engineers for the purposes of carrying out this section.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

“(i) C LERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1986 (102 Stat. 4012) is amended by striking the item relating to section 7 and inserting the following:

“Sec. 7. Research and development.”

SEC. 5114. TRIBAL AND ECONOMICALLY DISADVANTAGED COMMUNITIES ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

“(1) COMMITTEE.—The term ‘Committee’ means the Tribal Advisory Committee established under subsection (b).

“(2) ECONOMICALLY DISADVANTAGED COMMUNITY.—The term ‘Economically disadvantaged community’ has the meaning given the term pursuant to section 106 of the Water Resources Development Act of 2020 (33 U.S.C. 2215).

“(3) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the ‘Tribal and Economically Disadvantaged Communities Advisory Committee’, to develop and make recommendations to the Secretary and the Corps of Engineers on actions that should be undertaken by the Corps of Engineers to ensure more effective delivery of water resources development projects, programs, and other Federal actions that benefit those economically disadvantaged communities and Indian Tribes.
SEC. 5115. NON-FEDERAL INTEREST ADVISORY COMMITTEE.

(a) IN GENERAL.—There is authorized to be made publicly available, including on a publicly available website.

(b) TREATMENT.—The members of the Committee shall include the following:

(i) A non-Federal stakeholder with respect to flood or coastal storm risk management.
(ii) A non-Federal stakeholder with respect to human health.
(iii) A non-Federal stakeholder with respect to recreation.
(iv) A non-Federal stakeholder with respect to hydropower.
(v) A non-Federal stakeholder with respect to emergency preparedness, including coastal protection.
(vi) An organization with expertise in environmental policy.
(vii) An organization with expertise in rural water resources.
(viii) An organization with expertise in housing, or regular places of business in the performance of services for the Committee.
(ix) An organization with expertise in environmentally disadvantaged communities and Indian Tribes.
(x) An organization with expertise in water resources needs and solutions, including regional-specific recommendations.
(xi) An organization with expertise in ecosystem restoration.
(xii) An organization with expertise in water-dependent commercial and recreational activities at such harbors.
(xiii) An organization with expertise in the housing of Corps of Engineers to assist the Corps of Engineers in—

(A) efficiently and effectively delivering solutions to water resources development projects needs and challenges for economically disadvantaged communities and Indian Tribes;
(B) integrating consideration of economically disadvantaged communities and Indian Tribes; and
(C) improving the capability and capacity of the Corps of Engineers to assist economically disadvantaged communities and Indian Tribes.

(2) MEETINGS.—The Committee shall meet as appropriate to develop and make recommendations under paragraph (1).

(3) REPORT.—Recommendations provided under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and
(B) be made publicly available, including on a publicly available website.

(e) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (d)(1) shall reflect the independent judgment of the Committee.

(f) ADMINISTRATION.—The members of the Committee shall serve without compensation.

(g) COMPENSATION.—Except as provided in paragraph (3), the members of the Committee shall serve without compensation.

(h) DUTIES.—(1) RECOMMENDATIONS.—The Committee shall provide advice and make recommendations to the Secretary and the Chief of Engineers to assist the Corps of Engineers in—

(A) efficiently and effectively delivering solutions to water resources development projects needs and challenges for economically disadvantaged communities and Indian Tribes;
(B) integrating consideration of economically disadvantaged communities and Indian Tribes; and
(C) improving the capability and capacity of the Corps of Engineers to assist economically disadvantaged communities and Indian Tribes.

(2) MEETINGS.—The Committee shall meet as appropriate to develop and make recommendations under paragraph (1).

(3) REPORT.—Recommendations provided under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and
(B) be made publicly available, including on a publicly available website.

(i) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (d)(1) shall reflect the independent judgment of the Committee.

(2) TREATMENT.—The members of the Committee shall not be considered to be Federal employees and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 5116. UNDERSERVED COMMUNITY HARBOR PROJECTS.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ‘‘project’’ means a single cycle of dredging of an underserved community harbor and the associated placement of dredged material at a beneficial use placement site or disposal site.

(b) UNDERSERVED COMMUNITY HARBOR.—The term ‘‘underserved community harbor’’ means an emerging harbor (as defined in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f))) for which—

(A) no Federal funds have been obligated for maintenance dredging in the current fiscal year or in any of the 4 preceding fiscal years; and
(B) State and local investments in infrastructure have not been made during the preceding 4 fiscal years.

(c) IN GENERAL.—The Secretary may carry out a project under this section if the Secretary determines that the cost of the project is reasonable in relation to the sum of—

(1) the local or regional economic benefits; and
(2) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetland and control of shoreline erosion; or

(d) COST SHARE.—The non-Federal share of the cost of a project carried out under this section shall be determined in accordance with—

(1) subsections (a), (b), (c), or (d), as applicable, of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213); for any portion of the cost of the project allocated to flood or coastal storm risk management, ecosystem restoration, or recreation; and
(2) section 101(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)(1)), for the portion of the cost of the project other than a portion described in paragraph (1).

(e) CLARIFICATION.—The Secretary shall not be required to carry out a project for the portion of the cost of a project carried out under this section to perform additional operation and maintenance activities at the beneficial use placement site or disposal site for the disposal of dredged material.

(f) FEDERAL PARTICIPATION LIMIT.—The Federal share of the cost of a project under this section shall not exceed $10,000,000.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section for each of fiscal years 2022 through 2026.

(2) SPECIAL RULE.—Not less than 35 percent of the amounts made available to carry out projects under this section shall be used for projects that include the beneficial use of dredged material.
(b) SAVINGS PROVISION.—Carrying out a project under this section shall not affect the eligibility of an underserved community harbor for Federal operation and maintenance funding authorized for the underserved community harbor.

SEC. 5117. CORPS OF ENGINEERS WESTERN WATER COOPERATIVE COMMITTEE.

(a) FINDINGS.—Congress finds that—

(1) a bipartisan coalition of 19 Western Senators wrote to the Office of Management and Budget on September 17, 2019, in opposition to the proposal rulemaking entitled “Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply” (81 Fed. Reg. 67570 (December 16, 2016)), describing the rule as counter to existing law and court precedent;

(2) on January 21, 2020, the proposal rulemaking described in paragraph (1) was withdrawn; and

(3) the Corps of Engineers should consult with Western States to ensure, to the maximum extent practicable, that operation of flood control projects in prior appropriation States is consistent with the principles of the first section of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887, chapter 665; 33 U.S.C. 701-1) and section 301 of the Water Supply Act of 1956 (33 U.S.C. 900b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a Western Water Cooperative Committee (referred to in this section as the “Cooperative Committee”).

(2) PURPOSE.—The purpose of the Cooperative Committee is to ensure that Corps of Engineers flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between operation of Corps of Engineers projects and State water rights and water laws.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Cooperative Committee shall be composed of—

(i) the Assistant Secretary of the Army for Civil Works (or a designee);

(ii) the Chief of Engineers (or a designee);

(iii) 1 representative from each of the States of Alaska, Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, who may serve on the Western Water Cooperative Committee:

(iv) 1 representative with legal experience from each of the States of Arizona, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, to be appointed by the Governor of each State;

(v) 1 employee from each of the impacted regional offices of the Bureau of Indian Affairs.

(4) MEETINGS.—

(A) IN GENERAL.—The Cooperative Committee shall meet not less than once each year in a State represented on the Cooperative Committee.

(B) AVAILABLE TO PUBLIC.—Each meeting of the Cooperative Committee shall be open and accessible to the public.

(C) NOTIFICATION.—The Cooperative Committee shall publish in the Federal Register adequate advance notice of a meeting of the Cooperative Committee.

(D) DUTIES.—The Cooperative Committee shall develop and make recommendations to avoid or minimize conflicts between the operation of Corps of Engineers projects and State water rights and water laws, which may include recommendations for legislation or the promulgation of policy or regulations.

(6) STATUS UPDATES.—

(A) IN GENERAL.—On an annual basis, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written report that includes—

(i) a summary of the contents of meetings of the Cooperative Committee; and

(ii) a description of any recommendations made by the Cooperative Committee under paragraph (5), including actions taken by the Secretary in response to such recommendations.

(B) COMMENT.—

(1) IN GENERAL.—Not later than 45 days following the conclusion of a meeting of the Cooperative Committee, the Secretary shall provide to members of the Cooperative Committee an opportunity to comment on the contents of the meeting and any recommendations.

(II) INCLUSION.—Comments provided under clause (i) shall be included in the report provided under subparagraph (A).

(7) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the members of the Cooperative Committee shall serve without compensation.

(B) TRAVEL EXPENSES.—The members of the Cooperative Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of the General Services Administration in accordance with subsection (b) of section 571 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Cooperative Committee.

(8) MAINTENANCE OF RECORDS.—The Cooperative Committee shall maintain records pertaining to operating costs and records of the Cooperative Committee for a period of not less than 3 years.

SEC. 5118. UPDATES TO CERTAIN WATER CONTROL MANUALS.

On request of the Governor of State in which the Secretary declared a statewide drought disaster in 2021, the Secretary is authorized to update water control manuals for waters in the State, with priority given to those waters that accommodate a water supply project.

SEC. 5119. SENSE OF CONGRESS ON OPERATIONS AND MAINTENANCE OF RECREATION SITES.

It is the sense of Congress that the Secretary, as part of the annual work plan, should distribute amounts provided for the operations and maintenance of recreation sites of the Corps of Engineers so that each site receives an amount that is not less than 80 percent of the recreation fees generated by such site in a given year.

SEC. 5120. RELATIONSHIP ASSISTANCE.

In the case of a water resources development project using nonstructural measures for the elevation or modification of a dwelling project using nonstructural measures for the elevation or modification of a dwelling that is the primary residence of an owner-occupant and that requires the owner-occupant to relocate temporarily from the dwelling during the period of construction, the Secretary may include in the value of the land, easements, and rights-of-way required for the project or measure the document required to be included in any compensation for moving and storage, including food and personal transportation, incurred by the owner-occupant during the period of relocation.

SEC. 5121. REPROGRAMMING LIMITS.

(a) OPERATIONS AND MAINTENANCE.—In reprogramming funds made available to the Secretary for operations and maintenance—

(1) no Secretary shall reprogram more than 25 percent of the base amount up to a limit of—

(A) $8,500,000 for a project, study, or activity with a base level over $1,000,000; and

(B) $250,000 for a project, study, or activity with a base level of $1,000,000 or less; and

(2) $150,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation.

(b) INVESTIGATIONS.—In reprogramming funds made available to the Secretary for investigations—

(1) the Secretary may not reprogram more than $150,000 for a project, study, or activity with a base level of $1,000,000 or less; and

(2) $150,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation for existing obligations and concomitant administrative expenses.

SEC. 5122. LEASE DURATIONS.

The Secretary shall issue guidance on, in the case of a leasing decision pursuant to section 2667 of title 10, United States Code, or section 4 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887, chapter 665; 16 U.S.C. 460d), instances in which a lease duration in excess of 25 years is appropriate.

SEC. 5123. SENSE OF CONGRESS RELATING TO POST-DISASTER REPAIRS.

It is the sense of Congress that in permitting and funding post-disaster repairs, the Secretary should, to the maximum extent practicable, repair assets—

(1) to project design levels; or

(2) if the original project design is outdated, to above project design levels, if the Secretary determines that the repair or replacement is a de facto improvement.

SEC. 5124. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN OFFICERS FROM APPROPRIATIONS FOR IMPROVEMENTS.

Section 36 of the Act of August 10, 1956 (70A Stat. 634, chapter 1041; 33 U.S.C. 583a), is amended—

(1) by striking “Regular officers of the Corps of Engineers of the Army, and reserve officers of the Army who are assigned to the Corps of Engineers,” and inserting the following:

“(a) Regular officers of the Corps of Engineers of the Army.

(2) the following members of the Army who are assigned to the Corps of Engineers:

(A) Reserve component officers.

(B) Warrant officers (whether regular or reserve component).

(C) Enlisted members (whether regular or reserve component).

SEC. 5125. REFORESTATION.

The Secretary is encouraged to consider measures to restore swamps and other wetland forests in studies for water resources development projects for ecosystem restoration and flood and coastal storm risk management.

SEC. 5126. USE OF OTHER FEDERAL FUNDS.

Section 2007 of the Water Resources Development Act of 2007 (33 U.S.C. 2222) is amended—

(1) by striking “water resources study or project” and inserting “water resources development study or project, including a study or project under a continuing authorization program”;

(2) by striking “the Federal agency that is responsible for carrying out another Federal program for which funds are authorized to be used” and inserting “the Federal agency that is responsible for carrying out another Federal program for which funds are authorized to be used”;

(3) by striking “the Federal agency” and inserting “the Federal agency that provides the funds”;

(4) by striking “the funds” and inserting “the funds received as a result of the Federal program”; and

(5) by striking “for the purpose of” and inserting “for the purpose of”.

SEC. 5127. USE OF OTHER FEDERAL FUNDS.

Section 2007 of the Water Resources Development Act of 2007 (33 U.S.C. 2222) is amended—

(1) by striking “water resources study or project” and inserting “water resources development study or project, including a study or project under a continuing authorization program”;

(2) by striking “the Federal agency that is responsible for carrying out another Federal program for which funds are authorized to be used” and inserting “the Federal agency that is responsible for carrying out another Federal program for which funds are authorized to be used”;

(3) by striking “the Federal agency” and inserting “the Federal agency that provides the funds”;

(4) by striking “the funds” and inserting “the funds received as a result of the Federal program”; and

(5) by striking “for the purpose of” and inserting “for the purpose of”.

SEC. 5128. USE OF OTHER FEDERAL FUNDS.

The Secretary is encouraged to consider measures to restore swamps and other wetland forests.
SEC. 5127. NATIONAL LOW-HEAD DAM INVENTORY.

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by adding at the end the following:

"SEC. 15. NATIONAL LOW-HEAD DAM INVENTORY.

"(a) DEFINITIONS.—In this section:

"(1) INVENTORY.—The term 'inventory' means a low-head dam inventory developed under subsection (b)(1).

"(2) LOW-HEAD DAM.—The term 'low-head dam' means a river-wide dam that generally spans a stream channel, blocking the waterway and creating a backup of water behind the dam, with a drop off over the wall of not less than 6 inches and not more than 25 feet.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Army.

"(b) NATIONAL LOW-HEAD DAM INVENTORY.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary, in consultation with the heads of appropriate Federal and State agencies, shall—

"(A) develop an inventory of low-head dams in the United States that includes—

"(i) the location, ownership, description, current use, condition, height, and length of each low-head dam;

"(ii) any information on public safety conditions at each low-head dam;

"(iii) public safety information on the dangers of low-head dams;

"(iv) a directory of financial and technical assistance resources available to reduce safety hazards and fish passage barriers at low-head dams; and

"(v) any other relevant information concerning low-head dams; and

"(B) submit the inventory to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(2) DATA.—In carrying out this subsection, the Secretary shall—

"(A) coordinate with Federal and State agencies and other relevant entities; and

"(B) use data provided to the Secretary by those agencies.

"(3) UPDATES.—The Secretary, in consultation with appropriate Federal and State agencies, shall, and periodically publish updates to the inventory.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

"(d) CLARIFICATION.—Nothing in this section provides authority for the Secretary to carry out this activity, with respect to a low-head dam, that is not explicitly authorized under this section.

SEC. 5128. TRANSFER OF EXCESS CREDIT.

Section 1020 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2233) is amended—

"(1) by striking paragraph (4), and inserting ""(4) INCLUSION.—For purposes of this section, the term 'discreet segment' includes each project or separable element that the non-Federal interest for the study or project for which the credit was awarded pursuant to the pilot program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates, with respect to the pilot program and any contracts awarded under the pilot program, the following:

"(A) cost effectiveness;

"(B) reliability and performance;

"(C) cost savings attributable to mobilization and demobilization of dredge equipment; and

"(D) response times to address navigational impediments.

"(2) IN GENERAL.—The authority of the Secretary to enter into contracts pursuant to the pilot program shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 5131. FUNDING TO PROCESS PERMITS.

Section 214(a)(2) of the Water Resources Development Act of 2000 (33 U.S.C. 2252(a)(2)) is amended—

"(1) by striking ""The Secretary'' and inserting the following:

""(A) IN GENERAL.—""The Secretary''; and

""(2) by adding at the end the following:

""(B) IN INDIAN TRIBES.—""The Secretary''

SEC. 5132. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.

Section 104(b) of the Water Resources Reform and Development Act of 2013 (33 U.S.C. 2201 note; Public Law 113–121) is amended—

"(1) by striking ""The Secretary'' and inserting the following:

""(A) IN GENERAL.—""The Secretary'';

""(2) by adding at the end the following:

""(B) DEFINITION OF SEGMENT.—In this subsection, the term 'segment' means a physical portion of a project or separable element that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of the completion of the development project, or separable element thereof.''

SEC. 5133. COST SHARING FOR TERRITORIES AND INDIAN TRIBES.

Section 1506 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended by adding at the end the following:

"(c) APPLICATION TO STUDIES.—

"(1) INCLUSION.—In purposes of this section, the term 'study' includes watershed assessments.

"(2) APPLICATION.—The Secretary shall apply a waiver amount described in subsection (a) to reduce only the non-Federal share of study costs.''.

"(d) SUNSET.—The authority of the Secretary to enter into contracts pursuant to the pilot program shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 5129. INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.

Section 1111 of the America's Water Infrastructure Act of 2018 (33 U.S.C. 2236; Public Law 115–270) is amended by adding at the end the following:

"(e) INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary is authorized to establish a pilot program (referred to in this subsection as the 'pilot program') to conduct a multiyear dredging demonstration program to—

"(A) to increase the reliability, availability, and efficiency of federally-owned and federally-operated inland waterways projects;

"(B) to decrease operational risks across the inland waterways system; and

"(C) to provide cost-savings by combining work across multiple projects across different accounts of the Corps of Engineers.

"(2) PURPOSES.—The purposes of the pilot program shall be—

"(A) to increase the reliability, availability, and efficiency of federally-owned and federally-operated inland waterways projects;

"(B) to decrease operational risks across the inland waterways system; and

"(C) to provide cost-savings by combining work across multiple projects across different accounts of the Corps of Engineers.

"(3) DEMONSTRATION.—

"(A) IN GENERAL.—The Secretary shall, to the maximum extent practical, award contracts for projects on inland waterways that combine work across the Construction and Operation and Maintenance accounts of the Corps of Engineers.

"(B) PROJECTS.—In awarding contracts under subparagraph (A), the Secretary shall consider projects that—

"(i) improve navigation reliability on inland waterways that are accessible year-round;

"(ii) increase freight capacity on inland waterways;

"(iii) have the potential to enhance the availability of containerized cargo on inland waterways;

"(iv) SAVINGS CLAUSE.—Nothing in this subsection affects the responsibilities of the Secretary with respect to the construction and operations and maintenance of projects on the inland waterways;

"(v) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first contract is awarded pursuant to the pilot program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates, with respect to the pilot program and any contracts awarded under the pilot program, the following:

"(A) cost effectiveness;

"(B) reliability and performance;

"(C) cost savings attributable to mobilization and demobilization of dredge equipment; and

"(D) response times to address navigational impediments.

"(2) IN GENERAL.—The authority of the Secretary to enter into contracts pursuant to the pilot program shall expire on the date that is 10 years after the date of enactment of this Act.''

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CONGRESSIONAL RECORD — SENATE
SEC. 5134. WATER SUPPLY CONSERVATION. 
Section 1116 of the WIN Act (130 Stat. 1639) is amended—
(1) in subsection (a), in the matter preceding paragraph (1) by striking “during the 1-year period ending on the date of enactment of this Act” and inserting “for at least 2 years during the 10-year period preceding a required Federal interest for assistance under this section”;
and
(2) in subsection (b)(4), by inserting “.. including measures utilizing a natural feature or nature-based feature (as those terms are defined in section 118(a)) to reduce drought risk” after “water supply”.

SEC. 5135. CRITERIA FOR FUNDING OPERATION AND MAINTENANCE OF LIGHTHOUSES, MOTE, AND SUBSISTENCE HARBOORS. 
(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop specific criteria for the annual evaluation and ranking of maintenance dredging requirements for small, remote, and subsistence harbors, taking into account the criteria provided in the joint explanatory statement of managers accompanying division D of the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 3212).

(b) INCLUSION IN GUIDANCE.—The Secretary shall include the criteria developed under subsection (a) in the annual Civil Works Direct Program Development Policy Guidance of the Secretary.

(c) REPORT TO CONGRESS.—For fiscal year 2024, and biennially thereafter, in conjunction with the annual budget submission of the President under section 1105(a) of title 43, United States Code, the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives a report that identifies the ranking of projects in accordance with the criteria developed under subsection (a).

SEC. 5136. PROTECTION OF LIGHTHOUSES. 
Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by inserting “lighthouses, including those lighthouses with historical value,” after “schools”.

SEC. 5137. EMERGING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES. 
Section 1008 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2321b) is amended—
(1) in subsection (b)(1), by inserting “and to meet the requirements of subsection (b)” after “projects”;
(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and
(3) by inserting after subsection (a) the following:

“(b) IMPLEMENTATION OF POLICY.—The Secretary shall—

“(1) ensure that the policy described in subsection (a) is implemented nationwide in an efficient, consistent, and coordinated manner;

“(2) assess opportunities—

“(A) to increase the development of hydroelectric power at existing hydroelectric water resources development projects of the Corps of Engineers; and

“(B) to develop new hydroelectric power at nonpowered water resources development projects of the Corps of Engineers;”.

SEC. 5138. MATERIALS, SERVICES, AND FUNDS FOR REPAIR, RESTORATION, OR REHABILITATION OF CERTAIN PUBLIC RECREATION FACILITIES. 
(a) DEFINITION OF ELIGIBLE PUBLIC RECREATION FACILITY.—In this section, the term “eligible public recreation facility” means a facility at a reservoir operated by the Corps of Engineers that—

(1) was constructed to enable public use of access to the reservoir; and

(2) requires repair, restoration, or rehabilitation to function.

(b) AUTHORIZATION.—During a period of low water at an eligible public recreation facility, the Secretary is authorized—

(1) to accept and use materials, services, and funds from a non-Federal interest to repair, restore, or rehabilitate the facility; and

(2) to reimburse the non-Federal interest for the Federal share of the materials, services, or funds.

(c) REQUIREMENT.—The Secretary may not reimburse a non-Federal interest for the use of materials or services under this section unless the materials or services—

(1) meet the specifications of the Secretary; and

(2) comply with all applicable laws and regulations that would apply if the materials and services were acquired by the Secretary, including subchapter IV of chapter 31 and chapter 37 of title 40, United States Code, section 8302 of title 41, United States Code, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) AGREEMENT.—Before the acceptance of materials, services, or funds under this section, the Secretary and the non-Federal interest shall enter into an agreement that—

(1) specifies that the non-Federal interest shall hold and save the United States free from any and all damages that arise from use of materials or services of the non-Federal interest, or that are caused due to the fault or negligence of the United States or its contractors;

(2) requires that the non-Federal interest shall certify that the materials or services comply with all applicable laws and regulations under subsection (c); and

(3) includes any other term or condition required by the Secretary.

SEC. 5139. DREDGED MATERIAL MANAGEMENT PLANS. 
(a) IN GENERAL.—The Secretary shall prioritize implementation of section 125(c) of the Water Resources Development Act of 2020 (33 U.S.C. 2326b) at federally authorized harbors in the State of Ohio.

(b) REQUIREMENTS.—Each dredged material management plan prepared by the Secretary under section 125(c) of the Water Resources Development Act of 2020 (33 U.S.C. 2326b) for a federally authorized harbor in the State of Ohio shall—

(1) include, in the baseline conditions, a prohibition on use of funding for open-lake disposal of dredged material consistent with section 105 of the Energy and Water Development and Related Agencies Appropriations Act, 2022 (Public Law 117-118; 136 Stat. 217); and

(2) maximize beneficial use of dredged material funds in the base plan and under section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326d(d)).

(c) SAVINGS PROVISION.—This section does not—

(1) impose a prohibition on use of funding for open-lake disposal of dredged material; or

(2) require the development or implementation of a dredged material management plan in accordance with subsection (b) if use of funding for open-lake disposal is not otherwise prohibited by law.

SEC. 5140. LEASE DEVIATIONS. 
The Secretary shall fully implement the requirements of section 153 of the Water Resources Development Act of 2020 (134 Stat. 2658).

SEC. 5141. COLUMBIA RIVER BASIN. 
(a) STUDY OF FLOOD RISK MANAGEMENT ACTIVITIES. 
(1) IN GENERAL.—Using funds made available to carry out this section, the Secretary is authorized, at Federal expense, to carry out a study to determine the feasibility of a project for flood risk management and related purposes in the Columbia River basin.

(b) REQUIREMENT.—During the period of low water at an eligible public recreation facility, the Secretary is authorized to—

(1) accept and use materials, services, and funds from a non-Federal interest to repair, restore, or rehabilitate the facility; and

(2) to reimburse the non-Federal interest for the Federal share of the materials, services, or funds.

(c) REQUIREMENT.—The Secretary may not reimburse a non-Federal interest for the use of materials or services under this section unless the materials or services—

(1) meet the specifications of the Secretary; and

(2) comply with all applicable laws and regulations that would apply if the materials and services were acquired by the Secretary, including subchapter IV of chapter 31 and chapter 37 of title 40, United States Code, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) AGREEMENT.—Before the acceptance of materials, services, or funds under this section, the Secretary and the non-Federal interest shall enter into an agreement that—

(1) specifies that the non-Federal interest shall hold and save the United States free from any and all damages that arise from use of materials or services of the non-Federal interest, or that are caused due to the fault or negligence of the United States or its contractors;

(2) requires that the non-Federal interest shall certify that the materials or services comply with all applicable laws and regulations under subsection (c); and

(3) includes any other term or condition required by the Secretary.

SEC. 5142. CONTINUATION OF CONSTRUCTION. 
(a) IN GENERAL.—The Secretary shall not incur new obligations to satisfy United States obligations under the Columbia River Treaty until such time as funds appropriated for the purpose of compensating Canada under the Columbia River Treaty are available.

(b) DETERMINATION.—In this section—

“COLUMBIA RIVER BASIN” means the entire United States portion of the Columbia River watershed.

“COLUMBIA RIVER TREATY” means the Treaty relating to cooperative development of the resources of the Columbia Basin,


“U.S. ENTITY” means the entity designated by the United States under Article XIV of the Columbia River Treaty.
(b) CONTINUATION OF CONSTRUCTION.—
(1) IN GENERAL.—The Secretary shall not, solely on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280),—
(A) defer the initiation or continuation of construction of a water resources development project during the period described in subsection (a), and
(B) terminate a contract for design or construction of a water resources development project entered into during the period described in subsection (a) after expiration of that period.
(2) RISUMPTION OF CONSTRUCTION.—The Secretary shall resume construction of any water resources development project for which construction was deferred on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) during the period beginning on October 1, 2021, and ending on the date of enactment of this Act.
(c) STATUTORY CONSTRUCTION.—Nothing in this section waives the obligation of the Secretary to submit to the Committee on Environ- ment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a post-authorization change report recom- mending an increase in the authorized cost of a project if the project otherwise would exceed the maximum cost of the project under section 902 of the Water Resources Devel- opment Act of 1986 (33 U.S.C. 2280).

TITLE LII—STUDIES AND REPORTS

SEC. 5201. AUTHORIZATION OF FEASIBILITY STUDIES

(a) IN GENERAL.—The Secretary is author- ized to investigate the feasibility of the following projects:

(1) Project for ecosystem restoration, Mill Creek Levee and Walla Walla River, Oregon.
(2) Project for flood risk management and ecosystem restoration, Tittabawassee River, Chippewa River, Pine River, and Tobacco River, Michigan.
(3) Project for flood risk management, Southeast Michigan.
(4) Project for flood risk management, McMicken Dam, Arizona.
(5) Project for flood risk management, Ellicott City and Howard County, Maryland.
(7) Project for flood risk management and water supply, Fox-Wolf Basin, Wisconsin.
(9) Project for flood and coastal storm risk management, Cape Fear River Basin, North Carolina.
(10) Project for flood risk management, Lower Clear Creek and Dickinson Bayou, Texas.
(11) Project for flood and ecosystem restoration, the Resacas, Hidalgo and Cameron Counties, Texas.
(12) Project for flood risk management, including levee improvement, Papillion Creek, Nebraska.
(13) Project for flood risk management, Offutt Ditch Pump Station, Nebraska.
(15) Project for coastal storm risk manage- ment, Waliki Beach, Hawaii.
(16) Project for ecosystem restoration and coastal storm risk management, Cumberland and St. John, Maine.
(17) Project for flood risk management, Wallupee Stream watershed, Hawaii.
(18) Project for flood and coastal storm risk management, Kauai County, Hawaii.
(19) Project for coastal storm risk manage- ment, Maui County, Hawaii.
(20) Project for flood risk management, Sacp County, Nebraska.
(21) Project for aquatic ecosystem restora- tion, including habitat for endangered salmon, Columbia River.
(22) Project for ecosystem restoration, flood risk management, and recreation, New- port, Kentucky.
(23) Project for flood risk management and water supply, Jenkins, Kentucky.
(24) Project for flood risk management, including riverbank stabilization, Columbus, Kentucky.
(26) Project for flood risk management, coastal storm risk management, navigation, ecosystem restoration, and water supply, Blind Brook, New York.
(27) Project for navigation, Cumberland River, Kentucky.
(28) Project for ecosystem restoration and water supply, Great Salt Lake, Utah.

(b) PROJECT MODIFICATIONS.—The Sec- retary is authorized to investigate the feasibility of the following modifications to the following projects:

(1) Modifications to the project for naviga- tion, South Haven Harbor, Michigan, for turning bascule bridge.
(2) Modifications to the project for naviga- tion, Rollinson Channel and channel from Hatteras Inlet to Hatteras, North Carolina, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), to incor- porate the ocean bar.
(3) Modifications to the project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172, chapter 188), to provide flood risk manage- ment for the tributaries and drainage of Straight Slough, Craighead, Poinsett, and Cross Counties, Arkansas.
(4) Modifications to the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366), consistent with the City of Cedar Rapids, Iowa, Cedar River Flood Control System Master Plan.
(5) Modifications to the project for naviga- tion, Savannah Harbor, Georgia, without evaluation of alternatives.
(6) Modifications to the project for naviga- tion, Honolulu Harbor, Hawaii, for naviga- tion improvements and coastal storm risk manage- ment.
(7) Modifications to the project for naviga- tion, Port of Ogdenburg, New York, includ- ing deepening.
(8) Modifications to the Huntington Local Protection Project, Huntington, West Vir- ginia.

SEC. 5202. SPECIAL RULES.

(a) The studies authorized by paragraphs (12) and (13) of section 5201(a) shall be consid- ered a continuation of the study that re- sulted in the Chief's Report for the project for Papillion Creek and Tributaries Lakes, Nebraska, signed January 24, 2022.

(b) The study authorized by section 5201(a)(17) shall be considered a resumption and a continuation of the general reevalua- tion initiated on December 30, 2003.

(c) In carrying out the study authorized by section 5201(a)(17), the Secretary shall only formulate measures and alternatives to be consistent with the authorized purposes of the existing Federal projects while also main- taining the benefits of such projects.

(d) In carrying out the study authorized by section 5201(a)(25), the Secretary shall study the St. Lawrence Seaway, the St. Lawrence River, and the Great Lakes, as a whole system, including inlets that are Federal channels.

(e) The studies authorized by section 5201(b) shall be considered new phase investi- gations afforded the same treatment as a general reevaluation.

SEC. 5206. EXPEDITED COMPLETION OF STUDIES.

(a) FEASIBILITY REPORTS.—The Secretary shall expeditethe completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may pro- ceed directly to preconstruction planning, engineering, and design, of the projects.

(2) Project for coastal storm risk manage- ment, Charleston Peninsula, South Carolina.
(3) Project for flood and coastal storm risk management and ecosystem restoration, Boston North Shore, Revere, Saugus, Lynn, Men, and Everett, Massachusetts.
(4) Project for flood risk management, De Soto County, Mississippi.
(5) Project for coastal storm risk manage- ment, Chicago shoreline, Illinois.
(6) Project for flood risk management, Cave Buttes Dam, Arizona.
(7) Project for flood and coastal storm risk management, Chelsea, Massachusetts, au- thorized by a study resolution of the Com- mittee on Public Works of the Senate dated September 12, 1969.
(8) Project for ecosystem restoration, Herr- ring River Estuary, Barnstable County, Mas- sachusetts, authorized by a study resolution of the Committee on Transportation and In- frastructure of the House of Representa- tives dated July 23, 1997.
(9) Project for coastal storm risk manage- ment, Sea Bright to Monasquan, New Jersey.
(10) Project for coastal storm risk manage- ment, Harriton Bay and Sandy Hook Bay, New Jersey.
(11) Project for coastal storm risk manage- ment, St. Tammany Parish, Louisiana.
(13) Project for coastal storm risk manage- ment, Lake Okeechobee, Florida.
(15) Project for ecosystem restoration, Chi- cago River, Illinois.
(16) Project for ecosystem restoration, Lake Okeechobee, Florida.
(17) Project for ecosystem restoration, Western Everglades, Florida.
(18) Modifications to the project for naviga- tion, Hilo Harbor, Hawaii.
(20) Modifications to the project for naviga- tion, Lake Butte, Alaska.

(b) POST-AUTHORIZATION CHANGE RE- PORTS.—The Secretary shall expedite com- pletion of a post-authorization change report for the following projects:

(1) Project for ecosystem restoration, Tres Rios, Arizona, authorized by section 101(b)(4)

(2) Project for coastal storm risk management, Surf City and North Topsail Beach, North Carolina, authorized by section 7902(3) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1367).


(c) WATERSHED AND RIVER BASIN ASSESSMENTS.—The Secretary shall expedite the completion of the following assessments under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2287a):


(2) Ouachita-Black Rivers, Arkansas and Louisiana.

(3) Project for watershed assessment, Hawaii, and Indiana, Ohio, Pennsylvania, and Wisconsin.

(4) Project for study of the Ohio River, Pennsylvania, York, Ohio, Wisconsin, and Wisconsin.

(f) TREATMENT OF STUDIES.—A study carried out under this section (I) to the Committee on Environment and Public Works of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a).

(g)(1) NEPA DATA.—(A) In General.—The Secretary shall carry out a process to track, and annually submit to the Committee on Environment and Public Works of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives a report containing, the information described in subparagraph (B).

(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is, with respect to the Corps of Engineers—

(i) the number of project studies for which a categorical exclusion was used during the reporting period;

(ii) the number of project studies for which the decision to use a categorical exclusion, an environmental assessment, or an environmental impact statement was pending on the date on which the report is submitted;

(iii) the number of project studies for which an environmental assessment was issued during the reporting period, broken down by whether a finding of no significant impact, if applicable, was based on mitigation;

(iv) the length of time the Corps of Engineers took to complete each environmental assessment, or environmental impact statement described in clause (v); and

(v) the number of project studies pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

(2) REPORT.—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the United States a report on the findings of the analysis under subsection (h).

(h) CONTENT.—The review under subsection (a) shall include an evaluation of—

(1) the implementation by the Corps of Engineers of the final rule issued on April 10, 2008, entitled “Compensatory Mitigation for Losses of Aquatic Resources” (73 Fed. Reg. 19594), including, at a minimum—

(A) the extent to which the final rule is consistently implemented by the districts of the Corps of Engineers; and

(B) the performance of each of the mitigation practices as included in the final rule; and

(2) opportunities to utilize alternative mitigation to satisfy the mitigation requirements of water resources development projects, including, at a minimum, performance-based contracts.

(RIGHT.—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the United States a report on the findings of the review under subsection (a).
the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a) and any recommendations resulting from the review.

(d) Definition of performance-based contract.—In this section, the term "performance-based contract" means a procurement by the Corps of Engineers contracts with a public or private non-Federal entity for a specific mitigation outcome, with payment to the entity limited to the certainty and successful mitigation performance.

SEC. 5210. SABINE-NECHES WATERWAY NAVIGATION IMPROVEMENT PROJECT, TEXAS.

The Secretary shall expedite the review and coordination of the feasibility study for the project for navigation, Sabine-Neches Waterway, Texas, under section 203(b)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2231(b)).

SEC. 5211. GREAT LAKES RECREATIONAL BOATING ACT OF 2021.

Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare, at full Federal expense, a report updating the technical and economic benefits of recreational boating in the Great Lakes basin prepared under section 555(c) of the Water Resources Development Act of 1989 (113 Stat. 1265; 114 Stat. 1257).

SEC. 5212. CENTRAL AND SOUTHERN FLORIDA.

(a) Evaluation and Report.—

(1) Evaluation.—On request and at the expense of the State, the State, and the Metropolitan District, the Secretary shall conduct an evaluation to determine whether the project is in the public interest and consistent with Federal objectives.

(2) Report.—In carrying out the evaluation under paragraph (1), the Secretary shall—

(A) prepare a report that includes the results of the evaluation, including—

(i) the advisability of deauthorizing the levee; and

(ii) any recommendations for conditions that should be placed on a deauthorization to protect the interests of the United States and the public;

(B) submit to the Committee on Transportation and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the report under subparagraph (A) as part of the annual report submitted to Congress pursuant to section 701(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(b) Comprehensive Central and Southern Florida Study.—

(1) In general.—The Secretary is authorized to carry out a feasibility study for resiliency and comprehensive improvements or modifications to existing water resources development projects in central and southern Florida, for the purposes of flood risk management, water supply, ecosystem restoration (including preventing saltwater intrusion), and other purposes.

(2) Requirements.—In carrying out the feasibility study under paragraph (1), the Secretary—

(A) is authorized—

(i) to review the report of the Chief of Engineers for central and southern Florida (House Document 643, 80th Congress, 2d Session), and other related reports of the Secretary; and

(ii) to recommend cost-effective structural and nonstructural projects for implementation that provide a systemwide approach for the purposes described in that paragraph; and

(B) shall ensure the study and any projects recommended under subparagraph (A)(ii) will not interfere with the efforts undertaken to carry out the Comprehensive Everglades Restoration Plan described in section 601 of the Water Resources Development Act of 2000 (114 Stat. 2686; 121 Stat. 1268; 132 Stat. 3796).

SEC. 5213. INVESTMENTS FOR RECREATION AREAS.

(a) Findings.—Congress finds the following:

(1) The Corps of Engineers operates more recreation areas than any other Federal or State agency, apart from the Department of the Interior.

(2) Nationally, visitors to nearly 600 dams and lakes, managed by the Corps of Engineers, spend an estimated $12,000,000,000 per year and support 500,000 jobs.

(3) Lakes managed by the Corps of Engineers are economic drivers that support rural communities.

(b) Sense of Congress.—It is the sense of Congress that the Corps of Engineers should use all available authorities to promote and enhance development and recreational opportunities at lakes that are part of authorized civil works projects under the administrative jurisdiction of the Corps of Engineers.

(c) Report.—Not later than 180 days after the enactment of this Act, the Secretary shall submit to the Committee on Transportation and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any recommendations on site-specific areas where additional study is recommended by the Secretary.

(f) Savings Provision.—Nothing in this section provides authority to the Secretary to change the authorized purposes at any of the reservoirs described in subsection (c).

SEC. 5213. INVESTMENTS FOR RECREATION AREAS.

(a) Findings.—Congress finds the following:

(1) The Corps of Engineers operates more recreation areas than any other Federal or State agency, apart from the Department of the Interior.

(2) Nationally, visitors to nearly 600 dams and lakes, managed by the Corps of Engineers, spend an estimated $12,000,000,000 per year and support 500,000 jobs.

(3) Lakes managed by the Corps of Engineers are economic drivers that support rural communities.

(b) Sense of Congress.—It is the sense of Congress that the Corps of Engineers should use all available authorities to promote and enhance development and recreational opportunities at lakes that are part of authorized civil works projects under the administrative jurisdiction of the Corps of Engineers.

(c) Report.—Not later than 180 days after the enactment of this Act, the Secretary shall submit to the Committee on Transportation and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any recommendations on site-specific areas where additional study is recommended by the Secretary.

(f) Savings Provision.—Nothing in this section provides authority to the Secretary to change the authorized purposes at any of the reservoirs described in subsection (c).

SEC. 5215. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERS SYSTEM.

(a) In general.—For water resources development purposes, the Water Resources Development Act of 2007 (33 U.S.C. 652 note; Public Law 110-114) is amended—

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

(2) by inserting after paragraph (1) the following:

(b) Report on Water Level Management.—Not later than 1 year after the date of completion of the comprehensive plan for the Upper Mississippi River and Illinois Waterway System for the purpose of ecosystem restoration.

SEC. 5216. WEST VIRGINIA HYDROPOWER.

(a) In general.—For water resources development projects described in subsection (b), the Secretary is authorized to carry out a feasibility study of modifications to such projects for the purposes of adding Federal hydropower or energy storage development; and to submit a report recommending such modifications to Congress, in addition to any report submitted under subsection (b), concerning the use of such projects for non-Federal hydropower or energy storage development in accordance with

(b) Definitions.—In this section, the terms "natural feature" and "nature-based solution" have the meanings given those terms in section 118(h)(3) of the Win湿地 Act (33 U.S.C. 2288a(h)(3)).
SEC. 5220. REPORT ON CONCESSIONAIRE PRAC-
tices.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-
tives a report on concessionaire lease prac-
tices by the Corps of Engineers.

(b) INCLUSIONS.—The report under sub-
section (a) shall include, at a minimum—

(1) a description of the methodology of the formula of the Corps of Engineers for cal-
culating concessionaire rental rates, taking into account the operating margins for sales of food and fuel; and

(2) the process for assessing administrative fees to concessionaires across districts of the
Corps of Engineers.

SEC. 5219. LAKE CHAMPLAIN CANAL, VERMONT 
AND NEW YORK.

(2) Burnsville Lake, Braxton County, West
Virginia, authorized by section 203 of the

(f) CALAVERAS COUNTY, CALIFORNIA.—Sec-
tion 219(f) of the Water Resources Develop-
121 Stat. 1262) is amended by striking

``(2)'' Burnsville Lake, Braxton County, West
Virginia, authorized by section 203 of the

(g) LAKES MARION AND MOULTON, SOUTH
CAROLINA.—Section 219(f)(2) of the Water Re-
sources Development Act of 1992 (106 Stat. 4835;
113 Stat. 334; 121 Stat. 1267) is amended
by striking ``$45,000,000'' and inserting
``$100,000,000''.

(h) LAKES OHIO AND SOUTHWEST VIR-
GINIA.—Section 219(f)(10)(A) of the Water
Resources Development Act of 1992 (106 Stat. 4835;
113 Stat. 334; 121 Stat. 1265) is amended—

(1) by striking ``$20,000,000'' and inserting
``$52,000,000''; and

(2) by striking "Accomac" and inserting
"Acomack".

(i) LAKES ONTARIO, IOWA AND ILLINOIS.—Sec-
tion 219(f)(5) of the Water Resources Develop-
114 Stat. 2763A-221) is amended—

(1) in the paragraph heading, by striking
"COOK COUNTY" and inserting "COOK COUNTY 
AND LAKE COUNTY"; and

(2) by striking ``$35,000,000'' and inserting
``$10,000,000''.

(j) MADISON AND ST. CLAIR COUNTIES, ILLI-
NOIS.—Section 219(f)(25) of the Water Re-
sources Development Act of 1992 (106 Stat. 4835;
113 Stat. 334; 121 Stat. 1277) is amended by striking
``$45,000,000'' and inserting ``$1,000,000''.

(k) MARIN COUNTY, CALIFORNIA.—Sec-
tion 219(f)(88) of the Water Resources Devel-
121 Stat. 1259) is amended by striking

``(2)'' Marin County, California.

(l) MENDOCINO COUNTY, CALIFORNIA.—Sec-
tion 219(f)(78) of the Water Resources Devel-
121 Stat. 1259) is amended by striking

``(2)'' Mendocino County, California.

(m) MERRITT ISLAND, FLORIDA.—Section 219(f)
121 Stat. 1259) is amended by striking

``(2)'' Merritt Island, Florida.

(n) MIDDLETOWN, NEW YORK.—Section 219(f)
121 Stat. 1259) is amended by striking

``(2)'' Middletown, New York.

(o) MONROE COUNTY, NEW YORK.—Section 219(f)
121 Stat. 1259) is amended by striking

``(2)'' Monroe County, New York.

(p) MONTEREY COUNTY, CALIFORNIA.—Sec-
tion 219(f)(50) of the Water Resources Devel-
121 Stat. 1268) is amended by striking

``(2)'' Monterey County, California.

(q) NASSAU COUNTY, NEW YORK.—Section 219(f)
121 Stat. 1259) is amended by striking

``(2)'' Nassau County, New York.

(r) NASSAU COUNTY, NEW YORK.—Section 219(f)
121 Stat. 1259) is amended by striking

``(2)'' Nassau County, New York.

(s) NEW HAVEN COUNTY, CONNECTICUT.—Sec-
tion 219(f)(59) of the Water Resources Devel-
121 Stat. 1259) is amended by striking

``(2)'' New Haven County, Connecticut.

(t) NOBLE COUNTY, OHIO.—Section 219(f)(37) of the
121 Stat. 1259) is amended by striking

``(2)'' Noble County, Ohio.

(u) ORANGE COUNTY, NEW YORK.—Section 219(f)
121 Stat. 1259) is amended by striking

``(2)'' Orange County, New York.
(f) OXFORD, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (q)) is amended by adding at the end the following:—

"(281) OXFORD, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Oxford, Mississippi."

(s) MADISON COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (r)) is amended by adding at the end the following:—

"(282) MADISON COUNTY, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Madison County, Mississippi."

(t) RANKIN COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (s)) is amended by adding at the end the following:—

"(283) RANKIN COUNTY, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Rankin County, Mississippi."

(u) CANADIAN COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (t)) is amended by adding at the end the following:—

"(284) MERIDIAN, MISSISSIPPI.—$10,000,000 for wastewater infrastructure, including stormwater management, drainage systems, and water quality enhancement, Meridian, Mississippi."

(v) DELAWARE.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (u)) is amended by adding at the end the following:—

"(285) DELAWARE.—$50,000,000 for sewer, stormwater system improvements, storage treatment, environmental restoration, and related water infrastructure, Delaware."

(x) QUEENS, NEW YORK.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (v)) is amended by adding at the end the following:—

"(286) QUEENS, NEW YORK.—$50,000,000 for the design and construction of stormwater management and improvements to combined sewer system to avoid the risk of flood impacts, Queens, New York."

(x) GEORGIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (w)) is amended by adding at the end the following:—

"(287) GEORGIA.—$75,000,000 for environmental infrastructure, Baldwin County, Bartow County, Floyd County, Habarison County, Jones County, Gilmper County, Tons County, Warren County, Lamar County, Lee County, Merlington Group County, Madison County, Toombs County, Dade County, Bulloch County, Gordon County, Walker County, Dooly County, Butts County, Clarke County, Crisp County, Newton County, Bibb County, Baker County, Barrow County, Oglethorpe County, Peach County, Brooks County, Carroll County, Worth County, Jenkins County, Wheeler County, Calhoun County, Banks County, Randolph County, Wilcox County, Stewart County, Telfair County, Clinch County, Hancock County, Ben Hill County, Jeff Davis County, Dougherty County, Lanier County, Brantley County, Charlton County, Tattnall County, Emanuel County, Mitchell County, Turner County, Bacon County, Terrell County, Macon County, Bleckley County, Colquitt County, Washington County, Berrien County, Coffee County, Pulaski County, Cook County, Atkinson County, Candler County, Taliaferro County, Evans County, Johnson County, Irwin County, Dodge County, Jefferson County, Appling County, Baker County, Barrow County, Troup County, Quietman County, Meriwether County! Stephens County, Wilkinson County, Murray County, Wilkes County, Elbert County, McDuffie County, Marion County, Talbot County, Laurens County, Montgomery County, Echols County, Pierce County, Richmond County, Chattahoochee County, Covington County, Lincoln County, Burke County, Liberty County, Tift County, Polk County, Glasco County, Grady County, Jasper County, Banks County, Franklin County, Whitfield County, Troup County, Ford County, Hart County, Georgia."

(y) MARYLAND.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (x)) is amended by adding at the end the following:—

"(288) MARYLAND.—$50,000,000 for water, wastewater, and other environmental infrastructure, Maryland."

(z) MILWAUKEE METROPOLITAN AREA, WISCONSIN.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (y)) is amended by adding at the end the following:—

"(289) MILWAUKEE METROPOLITAN AREA, WISCONSIN.—$4,500,000 for water-related infrastructure, resource protection and development, stormwater management, and reduction of combined sewer overflows, Milwaukee metropolitan area, Wisconsin."

(aa) HAWAII.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (z)) is amended by adding at the end the following:—

"(290) HAWAII.—$150,000,000 for water, wastewater, and environmental infrastructure, Hawaii."

(bb) ALABAMA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (aa)) is amended by adding at the end the following:—

"(291) ALABAMA.—$50,000,000 for water, wastewater, and environmental infrastructure, Alabama."

(cc) MISSISSIPPI.—Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 121 Stat. 2851) (as amended by subsection (w)) is amended by adding at the end the following:—

"(292) MISSISSIPPI.—$300,000,000 for water, wastewater, and environmental infrastructure, Mississippi."

(dd) CENTRAL NEW MEXICO.—Section 593(h) of the Water Resources Development Act of 1999 (113 Stat. 380; 120 Stat. 2851) (as amended by subsection (u)) is amended by adding at the end the following:—

"(293) CENTRAL NEW MEXICO.—$300,000,000 for water, wastewater, and other environmental infrastructure, central New Mexico."

(ee) NORTH DAKOTA AND OHIO.—Section 594(j) of the Water Resources Development Act of 1999 (113 Stat. 380; 121 Stat. 1140; 123 Stat. 2851) (as amended by subsection (v)) is amended by adding at the end the following:—

"(294) NORTH DAKOTA AND OHIO.—$300,000,000 for water, wastewater, and other environmental infrastructure, North Dakota and Ohio."

(ff) WESTERN RURAL WATER.—Section 595(i) of the Water Resources Development Act of 1999 (113 Stat. 380; 119 Stat. 2717; 121 Stat. 1250) is amended—

(1) in subsection (b)(2)(C), by striking "planning" and inserting "clean water infrastructure planning, design, and construction"; and

(2) in subsection (g), by striking "$32,000,000" and inserting "$100,000,000".

(hh) TEXAS.—Section 5138 of the Water Resources Development Act of 2007 (121 Stat. 1250) is amended—

(1) in subsection (b), by striking "as identified by the Texas Water Development Board";

(2) in subsection (e)(3), by inserting "and construction" after "design work";

(3) by redesignating subsection (g) as subsection (h) and

(4) by inserting after subsection (f) the following:

"(NN) NONPROFIT ENTITIES.—In accordance with section 212(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project carried out under this section, a non-Federal entity may enter into agreements with the consent of the affected local government.

"(BB) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts made available in this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense."
(4) in subsection (c), by striking 'central' and inserting 'northern'.
(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 571 and inserting the following:—

'SEC. 571. Northern West Virginia.'

SEC. 5304. LOCAL COOPERATION AGREEMENTS, NORTHERN WEST VIRGINIA.


(1) by inserting after ''$20,000,000 for water and wastewater'' and inserting the following:

'(A) $20,000,000 for water and wastewater; and

(2) by adding at the end the following:

'(B) LOCAL COOPERATION AGREEMENTS.—Notwithstanding section (a), the re-
quest of a non-Federal interest for a project or a separable element of a project that re-
ceives assistance under this paragraph, the Secretary may adopt a model agreement de-
volved in accordance with section 571(e) of the Water Resources Development Act of
1999 (113 Stat. 371).'.

SEC. 5305. SPECIAL RULE FOR CERTAIN BEACH NOURISHMENT PROJECTS.

(a) IN GENERAL.—In the case of a water re-
sources development project described in subsection (b)(1), the Secretary may fund, at full Federal expense, any incremental increase in cost to the project that results from a legal requirement to use a borrow source determined by the Secretary to be other than the least-cost option; and

(b) AUTHORIZED WATER RESOURCES DEVELOPMENT PROJECTS DESCRIBED.—An author-
ized water resources development project re-
ferred to in subsection (a) is any of the fol-
lowing:


(2) The Folly Beach, South Carolina, coast-
al storm risk management project, author-


(4) The Wrightsville Beach, North Carolina, coastal storm risk management project, au-

(5) A project for coastal storm risk man-
agement for any shore included in a project described in this subsection that is spec-
ifically authorized by Congress on or after the date of enactment of this Act.

(6) Emergency repair and restoration of any project described in this subsection under section 3 of the Act of August 18, 1941 (commonly known as the 'Flood Control Act of 1941') (55 Stat. 650, chapter 377; 33 U.S.C. 701n).

(A) SAVINGS PROVISION.—Nothing in this section limits the eligibility for, or avail-
ability of, Federal expenditures or financial assistance for any water resources develop-
ment water resources development project, including any beach nourishment project, under any other provision of Federal law.
(B) REQUIREMENT.—The Secretary shall not, at any time, defer, suspend, or terminate construction of the project described in subparagraph (A) solely on the basis of a determination that an additional appropriation is required to cover the Federal share of the cost to complete construction of the project, if Federal funds in an amount equal to the Federal share of the cost required to complete the project remain available in the allocation for the project under the Long-Term Disaster Recovery Investment Plan for amounts appropriated under the heading “CONSTRUCTION” under the heading “CORPS OF ENGINEERS—CIVIL—DEPARTMENT OF THE ARMY—” in division B of the Bipartisan Budget Act of 2018 (Public Law 115–123; 132 Stat. 76).

SEC. 5308. PORT FOURCHON, LOUISIANA, DREDGED MATERIAL DISPOSAL PLAN.

The Secretary shall determine that the dredged material disposal plan recommended in the document entitled “Port Fourchon Belle Pass Channel Deepening Project Section 203 Feasibility Study (January 2019, revised January 2020)” is the least cost, environment-soundest, and schedule-appropriate dredged material disposal plan for the project for navigation, Port Fourchon Belle Pass Channel, Louisiana, authorized by section 403(a)(4) of the Water Resources Development Act of 2020 (134 Stat. 2743).

SEC. 5309. DELAWARE SHORE PROTECTION AND RESTORATION.

(a) DELAWARE BENEFICIAL USE OF DREDGED MATERIAL FOR THE DELAWARE RIVER, DELAWARE.—

(1) IN GENERAL.—Notwithstanding any provision of law, the Secretary may carry out the beneficial use of dredged material for the Delaware River, Delaware, under section 121 of the Water Resources Development Act of 1984 (33 U.S.C. 2326 note) to repair, restore, or relocate any non-Federal interest, to carry out major maintenance of the structure, project, or beach. The Secretary shall, in coordination with the Delaware River and Bay Authority, provide guidelines for assessing potential benefits and costs to ensure that activities under this subsection are consistent with the National Estuarine Resources Reserve Program established by section 102 of the Coastal Zone Management Act of 1972 (33 U.S.C. 1415).

(2) LIMITATIONS.—

(A) LIMITATION.—The Secretary shall not use any funds available under this subsection for any project for the repair, restoration, or relocation of a non-Federal interest, unless the Secretary determines that such a project is necessary for the protection of human health and environmental quality.

(B) AUTHORIZATION.—The Secretary may carry out any project for the repair, restoration, or relocation of a non-Federal interest under this subsection if the Secretary determines that such a project is necessary for the protection of human health and environmental quality.

(b) DELAWARE EMERGENCY SHORE RESTORATION.

(1) IN GENERAL.—The Secretary is authorized to provide assistance under this section to a State for the repair, restoration, or relocation of a non-Federal interest, dammed, damaged, or destroyed by a storm or water action, to the extent necessary to prevent or mitigate damages from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

(2) LIMITATIONS.—

(A) LIMITATION.—The Secretary shall not provide assistance under this section to a State if the Secretary determines that the damage to a non-Federal interest is the result of actions taken by the State or a political subdivision of the State.

(B) AUTHORIZATION.—The Secretary may provide assistance under this section to a State if the Secretary determines that the damage to a non-Federal interest is the result of actions taken by the State or a political subdivision of the State.

(c) DELAWARE BENEFICIAL USE OF DREDGED MATERIAL FOR THE DELAWARE RIVER, DELAWARE.—

(1) IN GENERAL.—The Secretary may carry out the beneficial use of dredged material for the Delaware River, Delaware, under section 121 of the Water Resources Development Act of 1984 (33 U.S.C. 2326 note) to repair, restore, or relocate any non-Federal interest, to carry out major maintenance of the project for navigation at the Delaware River, Delaware, pursuant to the Water Resources Development Act of 2020 (134 Stat. 2743).

(2) LIMITATIONS.—

(A) LIMITATION.—The Secretary shall not use any funds available under this subsection for any project for the repair, restoration, or relocation of a non-Federal interest, unless the Secretary determines that such a project is necessary for the protection of human health and environmental quality.

(B) AUTHORIZATION.—The Secretary may carry out any project for the repair, restoration, or relocation of a non-Federal interest under this subsection if the Secretary determines that such a project is necessary for the protection of human health and environmental quality.

(3) COST-SHARE.—The non-Federal share of the cost of a project carried out under this subsection shall be in addition to any other cost-share provided under paragraphs (4) and (5), respectively, of this section.

(4) LIMITATIONS.—

(A) LIMITATION.—The Secretary shall not use any funds available under this subsection for any project for the repair, restoration, or relocation of a non-Federal interest, unless the Secretary determines that such a project is necessary for the protection of human health and environmental quality.

(B) AUTHORIZATION.—The Secretary may carry out any project for the repair, restoration, or relocation of a non-Federal interest under this subsection if the Secretary determines that such a project is necessary for the protection of human health and environmental quality.

(d) DELAWARE EMERGENCY SHORE RESTORATION.

(1) IN GENERAL.—The Secretary is authorized to provide assistance under this section to a State for the repair, restoration, or relocation of a non-Federal interest, dammed, damaged, or destroyed by a storm or water action, to the extent necessary to prevent or mitigate damages from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

(2) LIMITATIONS.—

(A) LIMITATION.—The Secretary shall not provide assistance under this section to a State if the Secretary determines that the damage to a non-Federal interest is the result of actions taken by the State or a political subdivision of the State.

(B) AUTHORIZATION.—The Secretary may provide assistance under this section to a State if the Secretary determines that the damage to a non-Federal interest is the result of actions taken by the State or a political subdivision of the State.

SEC. 5310. GREAT LAKES ADVANCE MEASURES ASSISTANCE.

Section 6(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) (as amended by section 512(2)), is amended by adding at the end the following:

“(7) SPECIAL RULE.—

“(A) IN GENERAL.—The Secretary shall not deny a request from the Governor of a State to provide advance measures assistance under this subsection to reduce the risk of damage from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

“(B) FEDERAL SHARE.—Assistance provided by the Secretary pursuant to a request under subparagraph (A) may be at full Federal expense if the assistance is to construct advanced measures to a temporary construction standard.”.

SEC. 5311. REHABILITATION OF EXISTING LEVEES.

Section 301(e) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note; Public Law 113–295) is amended—

(1) by striking “this subsection” and inserting “this section”; and

(2) by striking “10 years” and inserting “20 years”.

SEC. 5312. PILOT PROGRAM FOR CERTAIN COMMUNITIES.

(a) PILOT PROGRAMS ON THE FORMULATION OF CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—Section 118 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260) is amended—

(1) in subsection (b)(2)(C), by striking “10”; and

(2) in subsection (c)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “make a recommendation to Congress on up to 10 projects” and inserting “recommend projects to Congress”;

(B) by adding at the end the following:

“RECOMMENDATION.—If the Secretary determines that a project proposed under paragraph (2) is a project that the Secretary would not otherwise recommend to Congress under section 121 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2232) after the date of enactment of the Water Resources Development Act of 2022”.

(b) PILOT PROGRAM FOR CAPS IN SMALL OR DISADVANTAGED COMMUNITIES.—Section 165(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260) is amended—

(1) in paragraph (2)(B), by striking “a total of 10” and inserting “25”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (5) the following:

“(4) MAXIMUM FEDERAL AMOUNT.—For a project carried out under this subsection, the maximum Federal amount, if applicable, shall be increased by the commensurate amount of the non-Federal share that would otherwise be required for the project under the applicable continuing authority program.”.

SEC. 5313. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED PUMP STATIONS.

Section 133 of the Water Resources Development Act of 2020 (33 U.S.C. 2322a) is amended—

(B) AMOUNT.—For each fiscal year, the Secretary may reprogram—

(i) not more than $100,000 per reprogramming action; and

(ii) not more than $200,000 for each fiscal year.
SEC. 5320. ARKANSAS RIVER CORRIDOR, OKLAHOMA.

Section 3132 of the Water Resources Development Act of 1997 (121 Stat. 1141) is amended—

(a) In subsection (b), by striking paragraph (3) and inserting the following:

"(3) [New Paragraph]

"(b) AUTHORIZED COST.—The Secretary is authorized to carry out the construction of project under this section at a total cost of $128,400,000, with the cost shared in accordance with section 103 of the Water Resources Development Act of 1996 (33 U.S.C. 2223).

(c) ADDITIONAL FEASIBILITY STUDIES AUTHORIZED.—

(1) In general.—The Secretary is authorized to carry out any feasibility studies for the purposes of recommending to the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives additional projects under this section.

(2) Treatment.—An additional feasibility study carried out under this subsection shall be considered a feasibility study that formulated the project carried out under subsection (b)."

SEC. 5321. ABANDONED AND INACTIVE NONCOAL MINES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 236) is amended—

(a) In subsection (c), by striking "or on land taken into trust by the Secretary of the Interior on behalf of, and for the benefit of, an Indian Tribe" after "land owned by the United States";

(b) in subparagraph (f), by striking "$30,000,000" and inserting "$50,000,000";

SEC. 5322. ASIAN CARP PREVENTION AND CONTROL PROGRAM.

Section 593(a)(2) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116–260) is amended—

(a) by striking "or" on land taken into trust by the Secretary of the Interior on behalf of, and for the benefit of, an Indian Tribe" after "land owned by the United States";

(b) in subparagraph (f), by striking "$30,000,000" and inserting "$50,000,000";

SEC. 5323. ASIAN CARP PREVENTION AND CONTROL PROGRAM.

Section 593(a)(2) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116–260) is amended—

(a) by striking "or"

"(A) is a feature of a federally authorized flood or coastal storm risk management project; or

(b) by striking "water quality" and inserting "water quantity, water quality, or ecosystems"; and

(c) by inserting "the Lake Erie Basin, the Ohio River Basin," after "the Upper Snake River Basin,";

SEC. 5325. MISSISSIPPI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA.

The matter under the heading "MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA" in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 3624) is modified by adding the end the following: "When acquiring land to meet the requirements of fish and wildlife mitigation, the Secretary may consider incidental flood risk management benefits.

SEC. 5328. INVASIVE SPECIES MANAGEMENT PROGRAM.

SEC. 5329. NUMBER OF TEFCON, TEXAS, CONVEYANCES.

(a) In general.—On receipt of a written request of the Port of Corpus Christi, the Secretary shall—

(1) review the land owned and easements held by the United States for purposes of navigation in Nueces County, Texas; and

(b) Conditions.—(1) QUICLM DRED.—Any conveyance of land under this section shall be by quitclaim deed.

(2) TERMS AND CONDITIONS.—The Secretary may subject any conveyance or release of easement under this section to such terms and conditions as the Secretary determines necessary and advisable to protect the United States.
and erosion control, Yazzoo Basin, Mississippi Delta Headwaters, Mississippi, authorized by the legislature under the heading “ENHANCEMENT OF WATER RESOURCE BENEFITS AND FOR EMERGENCY DISASTER WORK” in title I of Public Law 98-8 (97 Stat. 22), the Secretary may carry out emergency maintenance activities, as the Secretary determines to be necessary, for the federal interest in the project completed before the date of enactment of this Act.

SEC. 5331. ECOSYSTEM RESTORATION, HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.

(a) IN GENERAL.—The Secretary may carry out additional feasibility studies for ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2760).

(b) TREATMENT.—A feasibility study carried out under subsection (a) shall be considered a continuation of the study that formulated the project for ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2760).

SEC. 5332. TIMELY REIMBURSEMENT.

(a) DEFINITION OF COVERED PROJECT.—In this section, the term “covered project” means a project for navigation authorized by section 1401(1) of the WIIN Act (130 Stat. 1708).

(b) REIMBURSEMENT REQUIRED.—In the case of a covered project for which the non-Federal interest has advanced funds for construction of the project, the Secretary shall reimburse the non-Federal interest for advance payment costs for the volume of water storage space for water supply in Copan Lake, California, authorized by section 203 of the Water Resources Development Act of 1970 (42 U.S.C. 1962–2) for a project (other than a project for ecosystem restoration) carried out with the assistance.

(c) FEDERAL INTEREST DETERMINATION.—The first $100,000 of the costs of a study under this section shall be at full Federal expense.

(d) COST-SHARE.—(1) IN GENERAL.—The Federal share of project costs under each cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(2) IN GENERAL.—The Federal share of project costs under each cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(3) COST-SHARING.—(A) IN GENERAL.—The Federal share of project costs under each cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CRISIS DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of planning and design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) LOCAL COOPERATION AGREEMENT.—(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State and local officials, of appropriate environmental documentation, engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(C) COST-SHARING.—(A) IN GENERAL.—The Federal share of project costs under each cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CRISIS DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of planning and design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with the assistance.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2020, $50,000,000, to remain available until expended.

(h) REPEAL.—Section 108 of division C of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (5).
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(1) provide the City of Bartlesville, Oklahoma, with the right of first refusal to contract for the utilization of storage space for water supply for any portion of the storage space conveyed by the Authority under subsection (a); and

(2) ensure that the City of Bartlesville, Oklahoma, shall not pay more than 110 percent of the cost of the project investment per acre-foot of storage for the acre-feet of storage space sought under an agreement under paragraph (1).

SEC. 5340. ECO SYSTEM RESTORATION COORDINATION.

The Secretary shall fully implement opportunities for enhanced development at Oklahoma Lakes under the authorities provided in initial and subsequent sections of the Water Resources Development Act of 2007 (121 Stat. 1142; 130 Stat. 1671) and section 164 of the Water Resources Development Act of 2020 (134 Stat. 2698).

SEC. 5341. ACCEQUIA IRRIGATION SYSTEMS.

Section 1113 of the Water Resources Development Act of 1986 (100 Stat. 4232) is amended—

(1) in subsection (b)—

(A) by striking "(b) Subject to section 903(a) of this Act, the Secretary shall carry out" and inserting the following:

"(b) Authorization.—Subject to section 903(a) of this Act, the Secretary shall carry out"; and

(B) by striking "canals and all that follows through 25 percent," and inserting the following:

"canals and all that follows through 25 percent";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) INCLUSIONS.—The measures described in subsection (b) shall, to the maximum extent practicable—

"(1) ensure greater resiliency of diversion structures, control structures, and flow variabilities, prolonged drought conditions, invasive plant species, and threats from changing hydrological and climatic conditions; or

"(2) support research, development, and training for innovative management solutions, including those for controlling invasive aquatic plants that affect Acqueias.

(1) TOTAL COST.—The measures described in subsection (b) shall be carried out at a total cost of $89,000,000.

(2) FEDERAL CONTRIBUTION.—(A) Except as provided in subparagraph (B), the non-Federal share of the cost of carrying out the measures described in subsection (b) shall be 90 percent.

(B) SPECIAL RULE.—In the case of a project benefitting an economically disadvantaged community (as defined pursuant to section 169 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–250)), the Federal share of the cost for all measures described in subsection (b) shall be 90 percent.

(c) APPLICATION.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(d) COSTS.—The Port Authority shall be responsible for all assessment and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(e) HOLD HARMLESS.—The Port Authority shall hold the United States harmless from any liability with respect to activities carried out on or after the date of the conveyance under this section on the Federal land conveyed.

(2) LIMITATION.—The United States shall remain responsible for any liability incurred with respect to activities carried out before the date of the conveyance under this section on the Federal land conveyed.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

SEC. 5342. ROGERS COUNTY, OKLAHOMA.

(a) CONVEYANCE.—The Secretary is authorized to convey to the City of Tulsa–Rogers County Port Authority (referred to in this section as the "Port Authority"), for fair market value, all right, title, and interest of the United States in and to the Federal land described in subsection (b).

(b) FEDERAL LAND DESCRIBED.—(1) In general.—The Federal land to be conveyed under this section is the approximately 176 acres of Federal land and appurtenant rights and interests on the following 3 parcels in Rogers County, Oklahoma:


(B) Parcel 2 includes U.S. tract 124 (partial) and U.S. tract 128 (partial).

(C) Parcel 3 includes U.S. tract 128 (partial).

(2) DETERMINATION REQUIRED.—(A) IN GENERAL.—Subject to paragraph (1) and subparagraphs (B), (C), and (D), the Secretary shall determine the exact property description and acreage of the Federal land to be conveyed under this section.

(B) REQUIREMENT.—In making the determination under subparagraph (A), the Secretary shall reserve from conveyance easements, rights-of-way, and other interests on the Federal land conveyed.

(C) S URVEY REQUIRED .—The exact acreage conveyed under this section shall be determined by survey.

(d) COSTS.—The Port Authority shall be reimbursed from State or local interests on an annual basis, and all repair, rehabilitation, and replacement costs shall be reimbursed from State or local interests (1) without interest, during construction of the repair, rehabilitation, or replacement, (2) with interest, in lump sum on the completion of the repair, rehabilitation, or replacement, or (3) at the request of the State or local interest, with interest, over a period of not more than 25 years beginning on the date of completion of the repair, rehabilitation, or replacement, with repayment agreements providing for recalculation of the interest rate at 5-year intervals. At the request of the State or local interest, the Secretary of the Army shall amend a repayment contract entered into under this section on the date of enactment of this section for the purpose of incorporating the terms and conditions described in paragraph (3) of the preceding sentence.

SEC. 5343. WATER SUPPLY STORAGE REPAIR, REHABILITATION, AND REPLACEMENT COSTS.

Section 301(b) of the Water Supply Act of 1968 (43 U.S.C. 1906(b)) is amended by inserting after the period in the following:

"(d) Costs.—The Port Authority shall be responsible for all assessment and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(e) HOLD HARMLESS.—The Port Authority shall hold the United States harmless from any liability with respect to activities carried out on or after the date of the conveyance under this section on the Federal land conveyed.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

SEC. 5344. NON-FEDERAL PAYMENT FLEXIBILITY.

Section 103(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(1)) is amended—

(1) by striking the subsection designation and heading and all that follows through "At the request of" in the first sentence and inserting the following:

"(i) DELAY OF PAYMENT.—

"(ii) INITIAL PAYMENT.—At the request of; and

"(ii) by adding at the end the following:

"(ii) INTEREST.—

(A) IN GENERAL.—At the request of any non-Federal interest, the Secretary may waive the accrual of interest on any non-Federal cash contribution under this section or section 101 for a project for a period of not more than 1 year if the Secretary determines that—

"(i) the waiver will contribute to the ability of the non-Federal interest to make future contributions; and

"(ii) the non-Federal interest is in good standing under terms agreed to under subsection (k)(1).

(B) LIMITATIONS.—The Secretary may grant not more than 1 waiver under subparagraph (A) for the same project.

"(iii) the Secretary shall be responsible for all costs attributable to the waiver, including the necessary costs of the construction of the project, or replacement costs, and the necessary costs of the work described in subparagraph (B), and the Secretary shall reimburse the non-Federal interest for all costs attributable to the waiver.

(C) ALLOWANCE OF EXEMPTION.—There shall be allowed, in accordance with subsection (k)(1), an exemption from the provisions of this section and the preceding sentence for any project.
SEC. 5345. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration, North Padre Island, Corpus Christi Bay, Texas, constructed by the Secretary prior to the date of enactment of this Act under section 356 of the Water Resources Development Act of 1970 (33 U.S.C. 701), shall not be eligible for repair and restoration assistance under section 5(a) of the Act of August 18, 1911 (commonly known as the “Flood Control Act of 1911”) (35 Stat. 560, chapter 377; 33 U.S.C. 701n(a)).

SEC. 5346. WAIVER OF NON-FEDERAL SHARE OF EXPENSES RELATED TO CERTAIN CONTRACT CLAIMS.

In a case in which the Armed Services Board of Contract Appeals or a court of competent jurisdiction rendered a decision on a claim arising from the construction of general navigation features of a project carried out under section 107 of the River and Harbor Act of 1969 (33 U.S.C. 577), notwithstanding the terms of the Project Partnership Agreement, the Secretary shall waive payment of the share of the non-Federal interest of such damages, including attorney’s fees, if the Secretary identifies a willing and capable non-Federal party to assume responsibility for the claims.

SEC. 5347. ALGIERI CANAL LEVEE, LOUISIANA.

In accordance with section 328 of the Water Resources Development Act of 1986 (10 U.S.C. 2661), the Secretary shall resume operation, maintenance, repair, re habilitation, and replacement of the Algier Canal Levee, Louisiana, at full Federal expense.

SEC. 5348. ISRAEL RIVER ICE CONTROL PROJECT, LANCASTER, NEW HAMPSHIRE.

Beginning on the date of enactment of this Act, the project for flood control, Israel River, Lancaster, New Hampshire, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 791) is no longer authorized.

SEC. 5349. CITY OF EL DORADO, KANSAS.

The Secretary shall amend Contract DAC-240-59-ELD for the States and the City of El Dorado, Kansas, entered into on June 30, 1972, for the utilization by the City of storage space for water supply in El Dorado, Kansas, in accordance with the method of calculation of the interest charges that began accruing on June 30, 1991, on the investment costs for the 72,087 acre-feet of future use storage space, from compounding interest annually to charging simple interest annually on the principal amount, until:

(1) the City desires to convert the future use storage space to present use; and
(2) the principal amount plus the accumulated interest becomes payable pursuant to the terms of the Contract.

SEC. 5350. UPPER SPOTTIP PIPER PROTECTION.

Section 212 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270; 128 Stat. 3812) is hereby amended by adding at the end the following:

“(g) MODIFICATION.—The Secretary is authorized to investigate the feasibility of modifying the Upper St. Anthony Falls Lock and Dam System for restoration, including the prevention and control of invasive species, as an authorized purpose.”

SEC. 5351. REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—At such time as new facilities are available to the Corps of Engineers, and subject to this section, the Secretary shall convey to the Port of Corpus Christi Authority, by deed and without warranty, all right, title, and interest of the United States in and to the property described in subsection (c).

(b) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be determined by an appraisal, satisfactory to the Secretary, of the market value of the property conveyed.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the land known as “Lot 1, P.U.I.D. No. 100”, including improvements on that land, in Corpus Christi, Texas, and described as follows:

(1) TRACT 100.—The 1.89 acres, more or less, as conveyed by the Nueces County Navigation District No. 1 of Nueces County, Texas, to the United States by instrument dated October 16, 1928, and recorded at Volume 193, pages 1 and 2, in the Deed Records of Nueces County, Texas.

(2) TRACT 101.—The 0.53 acres as conveyed by the City of Corpus Christi, Nueces County, Texas, to the United States by instrument dated September 24, 1971, and recorded at Volume 318, pages 523 and 524, in the Deed Records of Nueces County, Texas.

(d) IMPROVEMENTS.—Improvements to conveyance under subsection (a) shall be described in subsection (c).

(e) COSTS OF CONVEYANCE.—In addition to the fair market value for property rights under subsection (b), consideration for the conveyance under subsection (a) shall include:

(1) Termination of this Act awarding damages, including Federal interest of such damages, including attorney’s fees, if any, shall be incorporated into the consideration required under subsection (b).

(2) Costs of conveyance.—In addition to the fair market value for property rights conveyed, the Port of Corpus Christi Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance under subsection (a).

SEC. 5352. pilot PROGRAM FOR GOOD NEIGHBOR AUTHORITY ON CORPS OF ENGINEERS LAND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RESTORATION SERVICES.—The term “authorized restoration services” means—

(A) restoring healthy, including fish and wildlife habitat, forests, rangeland, and watershed services;

(B) by the Secretary or Governor pursuant to a good neighbor agreement.

(2) FEDERAL LAND.—

(A) on Federal land; and

(B) by the Secretary or Governor to carry out authorized restoration services under this section.

(3) TRACT 100.—

(A) the principal amount plus the accumulated interest becomes payable pursuant to the terms of the Contract.

(b) EXCLUSIONS.—The term “Federal land” means—

(1) activities to treat insect-infected and disease-infected trees;

(2) activities to reduce hazardous fuels; and

(3) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(b) EXCLUSIONS.—The term “forest, rangeland, and watershed restoration services” does not include—

(1) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas.

(2) GOVERNOR.—The term “Governor” means the Governor, or any other appropriate executive official of the State.

(3) ROAD.—The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on February 7, 2014).

(4) STATE.—The term “State” means the State of Idaho.

(b) GOVERNOR AGREEMENTS.—

(1) GOOD NEIGHBOR AGREEMENTS.—

(A) IN GENERAL.—The Secretary may carry out a pilot program to enter into good-neighbor agreements with the Governor to carry out authorized restoration services in the State in accordance with this section.

(B) PUBLIC AVAILABILITY.—The Governor shall make each good neighbor agreement available to the public.

(c) ADMINISTRATIVE COSTS.—The Governor shall provide, and the Secretary may accept and expend, funds to cover the costs of the Governor to carry out the programs under this section.

(d) TERMINATION.—The pilot program under subparagraph (A) shall terminate on October 1, 2026.

(2) TIMBER SALES.—

(A) APPROVAL OF SILVICULTURE PRESCRIPTIONS AND MARKING GUIDES.—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

(B) TREATMENT OF REVENUE.—Except as provided in subparagraph (A), timber sales, and any other receipts from the sale of timber by the Governor under a good neighbor agreement shall be retained and used by the Governor to carry out authorized restoration services under the good neighbor agreement.

(c) EXCESS REVENUE.—

(1) IN GENERAL.—Any funds remaining after carrying out subparagraph (A) that are in excess of the amount provided by the Governor to the Secretary under paragraph (1)(C) shall be returned to the Secretary.

(d) FUND SEPARATION AND MAINTENANCE PROVISIONS.—

Funds returned to the Secretary under clause (1) shall be subject to the first part of Act of Congress or a Presidential proclamation (including the applicable implementation plan); or

(iii) a wilderness study area.

(3) FOREST, RANGELAND, AND WATERSHED SERVICES.—

(A) IN GENERAL.—The term “forest, rangeland, and watershed restoration services” means—

(i) activities to treat insect-infected and disease-infected trees;

(ii) activities to reduce hazardous fuels; and

(iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) EXCLUSIONS.—The term “forest, rangeland, and watershed restoration services” does not include—

(i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas; and

(ii) construction, alteration, repair or replacement of public buildings or public works in the City.

(C) EXCESS REVENUE.—The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and the Governor, or any other appropriate executive official of the State.

(E) ROAD.—The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on February 7, 2014).

(F) STATE.—The term “State” means the State of Idaho.

(3) COMPREHENSIVE EVERGLADES RESTORATION PLAN, FLORIDA.

(a) IN GENERAL.—Section 601(e)(5) of the Water Resources Development Act of 2000 (114 Stat. 2683; 132 Stat. 3786) is amended by striking subparagraph (E) and inserting the following:

"(E) PERIODIC MONITORING.—

(1) IN GENERAL.—To ensure that the contributions authorized to any Federal sponsor, or any combination of Federal and non-Federal interests, for the Comprehensive Everglades Restoration Plan, the City of Des Moines Local Flood Protection, Des Moines River, Iowa (referred to in this section as the "Flood Protection Project"), shall be in accordance with the terms of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b);

(2) The relocated levee constructed by the City, from Station 17+43.7W to approximately Station 20+00, shall be transferred to the Flood Protection Project;

(b) FEDERAL EASEMENT CONVEYANCES.—

(1) The Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City to become part of the Flood Protection Project in accordance with subsection (a):

(A) Easements identified as Tracts 321E-1, 321E-5, and 327E.

(B) Easements identified as Partial Tracts 321E-2, 321E-3, 327E-1, and 327E-2.

(2) On submission to the Secretary of the new or amended agreement pursuant to the Federal easement conveyances under paragraph (1), the Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority and no longer required for the Red Rock Dam Project or for the Des Moines Local Flood Protection Project:


(B) Easements identified as Partial Tracts 321RE-1, 321RE-2, 321RE-3, and 327RE-2.

(3) All real property interests conveyed under this subsection shall be subject to the standard release of easement disposal process. All obligations associated with the transfer of the subject easements to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority will be borne by the transferring Federal authority.

SEC. 5354. MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NEW MEXICO.

In the case of the project for flood risk management, Middle Rio Grande, Bernalillo to Belen, New Mexico, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735), the non-Federal share of the cost of the project shall be the percentage described in section 103(a)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2213(a)(2)) (as in effect on the day before the date of enactment of the Water Resources Development Act of 1996 (110 Stat. 3658)).

SEC. 5355. COMPREHENSIVE EVERGLADES RESTORATION PLAN, FLORIDA.

(a) IN GENERAL.—Section 601(e)(5) of the Water Resources Development Act of 2000 (114 Stat. 2683; 132 Stat. 3786) is amended by striking subparagraph (E) and inserting the following:

"(E) PERIODIC MONITORING.—

(1) IN GENERAL.—To ensure that the contributions authorized to any Federal sponsor, or any combination of Federal and non-Federal interests, for the Comprehensive Everglades Restoration Plan, the City of Des Moines Local Flood Protection, Des Moines River, Iowa (referred to in this section as the "Flood Protection Project"), shall be in accordance with the terms of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b);

(2) The relocated levee constructed by the City, from Station 17+43.7W to approximately Station 20+00, shall be transferred to the Flood Protection Project;

(b) FEDERAL EASEMENT CONVEYANCES.—

(1) The Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City to become part of the Flood Protection Project in accordance with subsection (a):

(A) Easements identified as Tracts 321E-1, 321E-5, and 327E.

(B) Easements identified as Partial Tracts 321E-2, 321E-3, 327E-1, and 327E-2.

(2) On submission to the Secretary of the new or amended agreement pursuant to the Federal easement conveyances under paragraph (1), the Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority and no longer required for the Red Rock Dam Project or for the Des Moines Local Flood Protection Project:


(B) Easements identified as Partial Tracts 321RE-1, 321RE-2, 321RE-3, and 327RE-2.

(3) All real property interests conveyed under this subsection shall be subject to the standard release of easement disposal process. All obligations associated with the transfer of the subject easements to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority will be borne by the transferring Federal authority.

SEC. 5354. MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NEW MEXICO.

In the case of the project for flood risk management, Middle Rio Grande, Bernalillo to Belen, New Mexico, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735), the non-Federal share of the cost of the project shall be the percentage described in section 103(a)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2213(a)(2)) (as in effect on the day before the date of enactment of the Water Resources Development Act of 1996 (110 Stat. 3658)).

SEC. 5355. COMPREHENSIVE EVERGLADES RESTORATION PLAN, FLORIDA.

(a) IN GENERAL.—Section 601(e)(5) of the Water Resources Development Act of 2000 (114 Stat. 2683; 132 Stat. 3786) is amended by striking subparagraph (E) and inserting the following:

"(E) PERIODIC MONITORING.—

(1) IN GENERAL.—To ensure that the contributions authorized to any Federal sponsor, or any combination of Federal and non-Federal interests, for the Comprehensive Everglades Restoration Plan, the City of Des Moines Local Flood Protection, Des Moines River, Iowa (referred to in this section as the "Flood Protection Project"), shall be in accordance with the terms of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b);

(2) The relocated levee constructed by the City, from Station 17+43.7W to approximately Station 20+00, shall be transferred to the Flood Protection Project;

(b) FEDERAL EASEMENT CONVEYANCES.—

(1) The Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City to become part of the Flood Protection Project in accordance with subsection (a):

(A) Easements identified as Tracts 321E-1, 321E-5, and 327E.

(B) Easements identified as Partial Tracts 321E-2, 321E-3, 327E-1, and 327E-2.

(2) On submission to the Secretary of the new or amended agreement pursuant to the Federal easement conveyances under paragraph (1), the Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam project, to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority and no longer required for the Red Rock Dam Project or for the Des Moines Local Flood Protection Project:


(B) Easements identified as Partial Tracts 321RE-1, 321RE-2, 321RE-3, and 327RE-2.

(3) All real property interests conveyed under this subsection shall be subject to the standard release of easement disposal process. All obligations associated with the transfer of the subject easements to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority will be borne by the transferring Federal authority.

SEC. 5354. MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NEW MEXICO.

In the case of the project for flood risk management, Middle Rio Grande, Bernalillo to Belen, New Mexico, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735), the non-Federal share of the cost of the project shall be the

percentage described in section 103(a)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2213(a)(2)) (as in effect on the day before the date of enactment of the Water Resources Development Act of 1996 (110 Stat. 3658)).
(d) LIMITATION.—The Secretary shall only acquire land from willing landowners in carrying out this section.

(e) CONFORMING AMENDMENT.—Section 1201(7) of the Water Resources Development Act of 2016 (130 Stat. 1375; 132 Stat. 3781) is repealed.

SEC. 5359. RECREATIONAL OPPORTUNITIES AT SARDIS LAKE.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term ‘‘covered project’’ means any of the following projects of the Corps of Engineers:

(A) Bill Montgomery Lake, Vermont.

(B) Townsend Lake, Vermont.

(2) RECREATION.—The term ‘‘recreation’’ includes downstream whitewater recreation that is dependent on operations, recreational fishing, and boating at a covered project.

(b) SENATE OF CONGRESS.—It is the sense of Congress that the Secretary should

(1) and (2) in the extent compatible with other project purposes, each covered project is operated in such a manner as to protect and enhance recreation associated with the project;

(2) manage land at each covered project to improve opportunities for recreation at the covered project;

(3) use recreation of water control plans.—The Secretary may modify, or undertake temporary deviations from, the water control plan for a covered project in order to enhance recreation, if the Secretary determines the modifications or deviations—

(1) will not adversely affect other authorized purposes of the covered project; and

(2) are in significant adverse impacts to the environment.

SEC. 5360. REHABILITATION OF CORPS OF ENGINES CONSTRUCTED DAMS.

Section 1177 of the Water Resources Development Act of 2016 (33 U.S.C. 467f–2 note; Public Law 114–322) is amended by adding at the end the following:

‘‘(g) SPECIAL RULE.—Notwithstanding subsection (c)(2)(B), the non-Federal share of the cost to rehabilitate Waterbury Dam, Washington County, Vermont, under this section, including the cost of any required study, shall be the same share assigned to the non-Federal interest for the cost of initial construction of Waterbury Dam.”

SEC. 5361. SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.

Section 528(f)(1)(J) of the Water Resources Development Act of 1996 (110 Stat. 3771) is amended—

(1) by striking ‘‘2 representatives’’ and inserting ‘‘3 representatives’’; and

(2) by inserting ‘‘at least 1 of which shall be a representative of the Florida Department of Environmental Protection and at least 1 of which shall be a representative of the Florida Fish and Wildlife Commission,” after ‘‘Florida.’’.

SEC. 5362. NEW MEXICO COUNTY HARBOR, MISSOURI.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat. 3679) is amended by adding at the end the following:

‘‘(18) Second harbor at New Madrid County Harbor, Missouri.’’

SEC. 5363. TRINITY RIVER AND TRIBUTARIES, TEXAS.

Section 1201(7) of the Water Resources Development Act of 2018 (132 Stat. 3882) is amended by inserting ‘‘food risk management, and ecosystem restoration,’’ after ‘‘navigation,’’.

SEC. 5364. BEND LAKE, CARLYLE LAKE, AND LAKE SHELVILLE, ILLINOIS.

(a) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a request from the Governor of Illinois to terminate a contract described in subsection (c), the Secretary shall amend the contract to release to the United States all rights of the State of Illinois to utilize water storage space in the reservoir project to which the contract applies.

(b) RELIEF OF CERTAIN OBLIGATIONS.—On execution of an amendment described in subsection (a), the State of Illinois shall be relieved of the obligation to pay the percentage of the annual operation and maintenance expense, the percentage of major replacement cost, and the percentage of major rehabilitation cost allocated to the water supply storage specified in the contract for the reservoir project to which the contract applies.

(c) CONTRACTS.—Subsection (a) applies to the following contracts between the United States and the State of Illinois:

(1) Contract DACW4–88–C–0088, entered into on September 23, 1988, for utilization of storage space for water supply in Rend Lake, Illinois.


SEC. 5365. FEDERAL AUTHORITY.

Section 1323(e) of the America’s Water Infrastructure Act of 2018 (132 Stat. 3826) is amended by striking ‘‘4 years’’ and inserting ‘‘8 years’’.

SEC. 5366. LAND TRANSFER AND TRUST LAND FOR CHOCHTAW NATION OF OKLAHOMA.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Choctaw Nation the land described in subsection (b) to be held in trust for the benefit of the Choctaw Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the operation by the Corps of Engineers of the Sardis Lake Project or any other authorized civil works project; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Sardis Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Choctaw Nation under this subsection as necessary to carry out an authorized purpose of the Sardis Lake Project or any other civil works project.

(C) Nothing activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approximately 247 acres of land located in Sections 18 and 19 of T2N R18E, and Sections 5 and 6 of T11N R18E, in Pushmataha County, Oklahoma, generally depicted as ‘‘USACE’’ on the map entitled ‘‘Sardis Lake—Choctaw Nation Proposal’’ and dated February 22, 2022.

(2) SURVEY.—The exact acreage and legal descriptions of the land to be transferred shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Choctaw Nation shall—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of—

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and other purposes.

SEC. 5367. LAKE BARKLEY, KENTUCKY, LAND CONVEYANCE.

(a) IN GENERAL.—The Secretary is authorized to convey to the Edyville Riverport Authority (referred to in this Act as the ‘‘Authority’’), for fair market value, all right, title, and interest of the United States in and to approximately 2.2 acres of land adjacent to the southwestern boundary of the port facilities of the Authority at the Barkley Dam and Lake Barkley, Kentucky, project, authorized by the River and Harbor Act of 1946 (60 Stat. 636, Public Law 79–525).

(b) CONDITIONS.—

(1) QUIETCLAIM DREE.—Any conveyance of land under this section shall be by quietclaim deed.

(2) RESERVATION OF RIGHTS.—The Secretary shall reserve from a conveyance of land under this section such easements, rights-of-way, or other interests as the Secretary determines to be necessary and appropriate to ensure the continued operation of the project described in subsection (a).

(3) TERMS AND CONDITIONS.—The Secretary may subject any conveyance under this section to such terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(4) ADMINISTRATIVE COSTS.—The Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental costs, associated with a conveyance under this section.

(d) WAIVER OF REAL PROPERTY SCREENING REQUIREMENTS.—Section 209 of title 10, United States Code, shall not apply to the conveyance of land under this section.

TITLE LIV—WATER RESOURCES INFRASTRUCTURE

SEC. 5401. PROJECT AUTHORITY.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled ‘‘Report to Congress on Future Water Resources Development,’’ submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section.

(1) NAVIGATION.—

S6395

October 11, 2022

CONGRESSIONAL RECORD—SENATE

3475
1. AK  
   Elim Subsistence Harbor  
   March 12, 2021  
   Federal: $74,905,000  
   Non-Federal: $1,896,000  
   Total: $76,801,000

2. CA  
   Port of Long Beach Deep Draft Navigation, Los Angeles  
   October 14, 2021; May 31, 2022  
   Federal: $73,533,500  
   Non-Federal: $74,995,500  
   Total: $148,529,000

3. WA  
   Tacoma Harbor Navigation Improvement  
   May 26, 2022  
   Federal: $120,701,000  
   Non-Federal: $174,627,000  
   Total: $295,328,000

4. NY, NJ  
   New Jersey Harbor Deepening Channel Improvement  
   June 3, 2022  
   Federal: $2,124,561,500  
   Non-Federal: $3,439,337,500  
   Total: $5,563,899,000

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1. AL  
   Selma  
   October 7, 2021  
   Federal: $15,533,100  
   Non-Federal: $8,363,900  
   Total: $23,897,000

2. CA  
   Lower Cache Creek, Yolo County, Woodland, and Vicinity  
   June 21, 2021  
   Federal: $215,152,000  
   Non-Federal: $115,851,000  
   Total: $331,003,000

3. OR  
   Portland Metro Levee System  
   August 20, 2021  
   Federal: $77,111,100  
   Non-Federal: $41,521,300  
   Total: $118,632,400

4. NE  
   Papillion Creek and Tributaries Lakes  
   January 24, 2022  
   Federal: $91,491,400  
   Non-Federal: $52,156,300  
   Total: $143,647,700

5. AL  
   Valley Creek, Bessemer and Birmingham  
   October 29, 2021  
   Federal: $17,725,000  
   Non-Federal: $9,586,000  
   Total: $27,311,000

6. PR  
   Rio Guanajibo  
   May 24, 2022  
   Federal: $110,974,500  
   Non-Federal: $59,755,500  
   Total: $170,730,000

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1. CT  
   Fairfield and New Haven Counties  
   January 19, 2021  
   Federal: $92,937,000  
   Non-Federal: $50,043,000  
   Total: $142,980,000

2. PR  
   San Juan Metro  
   September 16, 2021  
   Federal: $245,418,000  
   Non-Federal: $131,333,000  
   Total: $376,751,000

3. FL  
   Florida Keys, Monroe County  
   September 24, 2021  
   Federal: $1,513,531,000  
   Non-Federal: $814,978,000  
   Total: $2,328,509,000

(2) **Flood risk management.**—

(3) **Hurricane and storm damage risk reduction.**—
<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
</table>
| 4. FL   | Okaloosa County                          | October 7, 2021                        | Initial Federal: $19,822,000  
Initial Non-Federal: $11,535,000  
Initial Total: $31,357,000  
Renourishment Federal: $71,945,000  
Renourishment Non-Federal: $73,787,000  
Renourishment Total: $144,732,000 |
| 5. SC   | Folly Beach                              | October 26, 2021                       | Initial Federal: $45,490,000  
Initial Non-Federal: $5,332,000  
Initial Total: $50,822,000  
Renourishment Federal: $164,424,000  
Renourishment Non-Federal: $26,767,000  
Renourishment Total: $191,191,000 |
| 6. FL   | Pinellas County                          | October 29, 2021                       | Initial Federal: $8,627,000  
Initial Non-Federal: $5,332,000  
Initial Total: $13,959,000  
Renourishment Federal: $92,000,000  
Renourishment Non-Federal: $101,690,000  
Renourishment Total: $193,690,000 |
| 7. NY   | South Shore of Staten Island, Fort Wadsworth to Oakwood Beach | October 27, 2016                     | Federal: $371,310,000  
Non-Federal: $199,940,000  
Total: $571,250,000 |
| 8. LA   | Upper Barataria Basin                    | January 28, 2022                      | Federal: $1,005,001,000  
Non-Federal: $541,155,000  
Total: $1,546,156,000 |
| 9. LA   | South Central Coast, St. Martin, St. Mary, and Iberia Parishes | June 23, 2022                         | Federal: $594,600,000  
Non-Federal: $320,169,000  
Total: $914,769,000 |

(4) Hurricane and storm damage reduction and ecosystem restoration.—

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
</table>
| 1. TX   | Coastal Texas Protection and Restoration Feasibility Study | September 16, 2021                  | Federal: $19,237,894,000  
Non-Federal: $11,668,393,000  
Total: $30,906,287,000 |

(5) Ecosystem restoration.—

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
</table>
| 1. CA   | Prado Basin Ecosystem Restoration, San Bernardino, Riverside and Orange Counties | April 22, 2021                         | Federal: $33,976,000  
Non-Federal: $18,294,000  
Total: $52,270,000 |
| 2. KY   | Three Forks of Beargrass Creek           | May 24, 2022                           | Federal: $72,138,000  
Non-Federal: $320,169,000  
Total: $121,135,000 |

(6) Modifications and other projects.—
<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. LA</td>
<td>Lake Pontchartrain and Vicinity</td>
<td>December 16, 2021</td>
<td>Federal: $807,000,000 Non-Federal: $434,000,000 Total: $1,241,000,000</td>
</tr>
<tr>
<td>2. LA</td>
<td>West Bank and Vicinity</td>
<td>December 17, 2021</td>
<td>Federal: $431,000,000 Non-Federal: $232,000,000 Total: $663,000,000</td>
</tr>
<tr>
<td>3. GA</td>
<td>Brunswick Harbor, Glynn County</td>
<td>March 11, 2022</td>
<td>Federal: $10,774,500 Non-Federal: $3,594,500 Total: $14,369,000</td>
</tr>
<tr>
<td>4. DC</td>
<td>Washington, DC and Vicinity</td>
<td>July 22, 2021</td>
<td>Federal: $17,740,000 Non-Federal: $0 Total: $17,740,000</td>
</tr>
<tr>
<td>5. MI</td>
<td>Soo Locks, Sault Ste. Marie</td>
<td>June 6, 2022</td>
<td>Federal: $2,932,116,000 Non-Federal: $0 Total: $2,932,116,000</td>
</tr>
<tr>
<td>6. WA</td>
<td>Howard A. Hanson Dam Additional Water Storage</td>
<td>May 19, 2022</td>
<td>Federal: $815,207,000 Non-Federal: $39,979,000 Total: $855,186,000</td>
</tr>
<tr>
<td>8. FL</td>
<td>Central and Southern Florida, Indian River Lagoon</td>
<td>May 31, 2022</td>
<td>Federal: $2,500,686,000 Non-Federal: $2,500,686,000 Total: $5,001,372,000</td>
</tr>
</tbody>
</table>

SEC. 5402. STORM DAMAGE PREVENTION AND REDUCTION, COASTAL EROSION, AND ICE AND GLACIAL DAMAGE, ALASKA.

(a) IN GENERAL.—The Secretary shall establish a program to carry out structural and nonstructural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in the State of Alaska, including—

(1) relocation of affected communities; and
(2) construction of replacement facilities.

(b) COST SHARE.—The non-Federal interest shall share in the cost to study, design, and construct a project carried out under this section in accordance with sections 103 and 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2215), except that, in the case of a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2007 (33 U.S.C. 2201 note; Public Law 110–340)), the non-Federal share shall be 10 percent.

(c) REPEAL.—Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2831) is repealed.

(d) TREATMENT.—The program authorized by subsection (a) shall be considered a continuation of the program authorized by section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2831) (as in effect the day before the date of enactment of this Act).

SEC. 5403. EXPEDITED COMPLETION OF PROJECTS.

The Secretary shall expedite completion of the following projects:

(3) Project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).
(13) Project for navigation, including maintenance and channel deepening, McClellan-Kerr Arkansas River Navigation System.
(14) Project for dam safety modifications, Bluestone Dam, West Virginia.
(15) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Branford Harbor and Branford River, Branford, Connecticut, authorized by the first section of the Act of June 13, 1902 (32 Stat. 335, chapter 1079).
(16) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Guilford Harbor and Siuslaw Channel, Connecticut.
(17) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Milford Harbor, Connecticut.
(19) Project for mitigation of shore damage from navigation works, Camp Ellis Beach, Saco, Maine, pursuant to section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426).
(21) Project for navigation, Kentucky Lock Addition, Kentucky.


(23) Maintenance dredging and other au-thorized activities to address the impacts of shoaling affecting the project for navigation, Portsmouth Back Channels and Sagamore Creek, Portsmouth, New Castle, and Rye, New Hampshire, authorized by section 197 of the River and Harbor Act of 1960 (33 U.S.C. 577).


SEC. 5404. SPECIAL RULES.

(a) Following conditions apply to the project described in section 5404(19):

(1) The project is authorized to be carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426a) at a Federal cost of $45,000,000.

(2) The project may include Federal par-ticipation in periodic nourishment.

(b) The conditions described in subsection (b) of section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426b), the Secretary shall determine that the navigation works to which the shore damages are attributable were constructed at full Federal expense.

(c) The following conditions apply to the project described in section 5404(20):

(1) The project is authorized to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) at a Federal cost of $15,000,000.

(2) If the Secretary includes in the project a measure on Federal land under the juris-diction of another Federal agency, the Secre-tary may enter into an agreement with the Federal agency that provides for the Secre-tary—

(A) to construct the measure; and

(B) to operate and maintain the measure using funds provided to the Secretary by the non-Federal interest for the project.

(3) Prior to the project a measure for fish passage at a dam licensed for hydropower, the Secretary shall include in the project costs all costs for the measure, except the costs that are in excess of the costs to provide fish passage at the dam if hydropower improvements were not in place shall be a 100 percent non-Federal ex- pense.

SEC. 5405. CHATTahooCHEE RIVER PROGRAM.

(a) ESTABLISHMENT.—

(1) In general.—The Secretary shall establish a program to provide environmental as-sistance to non-Federal interests in the Chattahoochee River Basin.

(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construc-tion assistance for water-related re-source protection and restoration projects affecting the Chattahoochee River Basin, based on the comprehensive plan under sub-section (b), including projects for—

(A) sediment and erosion control;

(B) protection of eroding shorelines;

(C) fish and wildlife protection, including res-toration of submersed aquatic vegetation;

(D) protection of essential public works;

(E) beneficial uses of dredged material; and

(F) future projects that will enhance the living resources of the Chattahoo-cee River Basin.

(b) COMPREHENSIVE PLAN.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chattahoochee River Basin restoration plan to guide the implementation of projects under subsection (a).

(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the max-imum extent practicable, consider and avoid duplication, and conform with the plans and specifi-cations of other Federal, State, and local ag-enencies and nongovernmental organizations.

(c) AGREEMENT.—

(1) In general.—Before providing assist-ance under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the com-prehensive Chattahoochee River Basin restora-tion plan described in subsection (b).

(2) REQUIREMENTS.—Each agreement en-tered into under this subsection shall pro-vide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a resource pro-tection and restoration plan, including ap-propriate engineering plans and specifi-cations and an estimate of expected resource benefits; and

(B) the establishment of such legal and in-stitutional structures as are necessary to en-sure the effective long-term operation and main-tenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each agreement entered into under this section shall be 75 per-cent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND REAL ESTATE.—In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit to non-Federal interests for the value of land, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this subsection shall not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—

The non-Federal share of the costs of opera-tion and maintenance of activities carried out under an agreement under this section shall be 100 percent.

(e) COOPERATION.—In carrying out this sec-tion, the Secretary shall cooperate with—

(A) the Administrator of the Environ-mental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agen-cies as the Secretary determines to be appro-priate; and

(2) agencies of a State or political subdivi-sion of a State.

(f) PROCUREMENT OF RESOURCES.—A project established under this section shall be car-ried out using such measures as are nec-essary to protect environmental, historic, and cultural resources.

(g) PROJECT CAP.—The total cost of a project carried out under this section may not exceed $15,000,000.

(h) SAVINGS PROVISION.—Nothing in this section—

(1) establishes any express or implied re-served water right in the United States for any purpose; or

(2) affects any water right in existence on the date of enactment of this Act.

(i) PREEMPTION.—Nothing in this section preempts or affects any State water law or interstate compact governing water; or

(2) affects any Federal or State law in ex-istence on the date of enactment of this Act regarding water quality or water quantity.

(j) AUTHORIZATION OF APPROPRIATIONS.—This section is authorized by appropriate appropriation to carry out this section.

SEC. 5406. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—

(1) In general.—In this section, the term “Lower Mississippi River Basin” means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico, and its tributaries and distributaries.

(b) ESTABLISHMENT.—

(1) In general.—The Secretary shall estab-lish a program to provide assistance to non-Federal interests in the Lower Mississippi River Basin.

(2) FORM.—

(A) In general.—The assistance under paragraph (1) shall be in the form of design and construction assistance for flood or coastal storm risk management or aquatic ecosystem restoration projects in the Lower Mississippi River Basin, based on the com-prehensive plan under subsection (c).

(B) ASSISTANCE.—Projects under para-graph (A) may include measures for—

(i) sediment control;

(ii) the protection of eroding riverbanks and streambanks and shorelines;

(iii) channel modifications;

(iv) beneficial uses of dredged material; or

(v) other related projects that, when en-hance the living resources of the Lower Mis-sissippi River Basin.

(c) COMPREHENSIVE PLAN.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Lower Mississippi River Basin plan to guide the implementation of projects under subsection (b).

(2) REQUIREMENTS.—Each agreement en-tered into under this subsection shall provide for—

(A) the inclusion of a comprehensive project plan to address the impacts of flooding and erosion to the extent practicable, consider and avoid duplication, and conform with the plans and specifi-cations of other Federal, State, and local agencies and nongovernmental organizations.

(B) To the maximum extent practicable, the plan described in para-graph (1) shall give priority to projects eligi-ble under subsection (b)(2) that will also im-prove water quality, reduce hypoxia in the Lower Mississippi River Basin, and use a combination of structural and non-structural measures.

(d) PROJECT CAP.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the com-prehensive Lower Mississippi River Basin plan described in subsection (c).

(e) AGREEMENT.—Each agreement en-tered into under this subsection shall pro-vide for the establishment of such legal and institutional structures as are necessary to en-sure the effective long-term operation and main-tenance of the project by the non-Federal interest.
DIVISION K—COAST GUARD AUTHORIZATION ACT OF 2022

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Coast Guard Authorization Act of 2022.”

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

DIVISION E—COAST GUARD AUTHORIZATION ACT OF 2022

Sec. 5001. Short title; table of contents.

Sec. 5002. Definition of Commandant.

TITLE I—AUTHORIZATIONS

Sec. 5101. Authorization of appropriations.

Sec. 5102. Authorized levels of military strength.

Sec. 5103. Authorization for shoreside infrastructure.

Sec. 5104. Authorization for acquisition of vessels.

Sec. 5105. Authorization for the child care subsidy program.

TITLE II—COAST GUARD

Subtitle A—Infrastructure and Assets

Sec. 5201. Report on shoreside infrastructure and drilling needs.

Sec. 5202. Fleet mix analysis and shore infrastructure investment plan.

Sec. 5203. Acquisition life-cycle cost estimates.

Sec. 5204. Report and briefing on resourcing strategy for Western Pacific region.

Sec. 5205. Study and report on national security and drug trafficking threats in the Florida Straits and Caribbean region, including Colombia and Venezuela.

Sec. 5206. Coast Guard Yard.

Sec. 5207. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.

Sec. 5208. Improvements to infrastructure operations planning.

Sec. 5209. Aqua alert notification system pilot program.

Subtitle B—Great Lakes

Sec. 5211. Great Lakes winter commerce.

Sec. 5212. Improvements to existing operations in the Great Lakes.

Sec. 5213. Great Lakes snowmobile acquisition plan.

Sec. 5214. Great Lakes barge inspection exemption.

Sec. 5215. Study on sufficiency of Coast Guard oil spill response assets to meet mission demands.

Subtitle C—Arctic

Sec. 5221. Establishment of the Arctic Security Cutter Program Office.

Sec. 5222. Arctic activities.

Sec. 5223. Study on Arctic operations and infrastructure.

Subtitle D—Maritime Cyber and Artificial Intelligence

Sec. 5231. Enhancing maritime cybersecurity.

Sec. 5232. Establishment of unmanned system program and autonomous control and computer vision projects.

Sec. 5233. Artificial intelligence strategy.

Sec. 5234. Review of artificial intelligence applications and establishment of evaluation metrics.

Sec. 5235. Cyber data management.

Sec. 5236. Data management.

Sec. 5237. Study on cyber threats to the United States marine transportation system.

Subtitle E—Aviation

Sec. 5241. Space-available travel on Coast Guard aircraft; program authorization and eligible recipients.

Sec. 5242. Report on Coast Guard Air Station Bar Harbor Post Flight.

Sec. 5243. Study on the operational availability of Coast Guard aircraft and strategy for Coast Guard Aviation.

Subtitle F—Workforce Readiness

Sec. 5251. Authorized strength.

Sec. 5252. Number and distribution of officers on active duty promotion list.

Sec. 5253. Continuation on active duty of officers with critical skills.

Sec. 5254. Career incentive pay for marine aviators.

Sec. 5255. Expansion of the ability for selection board to recommend officers for particular merit for promotion.

Sec. 5256. Modification to education loan repayment program.

Sec. 5257. Retirement of Vice Commandant.

Sec. 5258. Report on resignation and retirement processing times and delays.

Sec. 5259. Physical disability evaluation system procedure review.

Sec. 5260. Expansion of authority for multirater assessments of certain personnel.

Sec. 5261. Promotion parity.

Sec. 5262. Partnership program to diversify the Coast Guard.

Sec. 5263. Expansion of Coast Guard Junior Reserve Officers’ Training Corps.

Sec. 5264. Improving representation of women and racial and ethnic minorities among Coast Guard active-duty members.

Sec. 5265. Strategy to enhance diversity through recruitment and accession.

Sec. 5266. Support for Coast Guard Academy.

Sec. 5267. Training for congressional affairs personnel.

Sec. 5268. Strategy for retention of cuttermen.

Sec. 5269. Study on performance of Coast Guard Force Readiness Command.

Sec. 5270. Study on frequency of weapons training for Coast Guard personnel.

Subtitle G—Miscellaneous Provisions

Sec. 5281. Budgeting of Coast Guard relating to certain operations.

Sec. 5282. Coast Guard assistance to United States Secret Service.

Sec. 5283. Conveyance of Coast Guard vessels for public purposes.

Sec. 5284. Authorization relating to certain intelligence and counterintelligence activities of the Coast Guard.

Sec. 5285. Transfer and conveyance.

Sec. 5286. Transparency and oversight.

Sec. 5287. Study on safety inspection program for containers and facilities.

Sec. 5288. Study on maritime law enforcement workload requirements.

Sec. 5289. Feasibility study on construction of Coast Guard station at Port Mansfield.

Sec. 5290. Modification of prohibition on operation or procurement of foreign-made unmanned aircraft systems.
Sec. 5707. Legal assistance.
Sec. 5708. Acquisition of aircraft for extreme weather reconnaissance.
Sec. 5709. Report on professional mariner training.

Subtitle B—Other Matters


TITLE LVIII—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

Sec. 5801. Technical correction.
Sec. 5802. Reinstatement.
Sec. 5803. Terminology and clarifications.

TITLE LIX—RULE OF CONSTRUCTION

Sec. 5901. Rule of construction.

SEC. 5902. DEFINITION OF COMMANDANT.

In this division, the term ‘Commandant’ means the Commandant of the Coast Guard.

TITLE LII—AUTHORIZATIONS

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.

Section 4902 of title 14, United States Code, is amended—
(1) in the matter preceding paragraph (1), by striking ‘fiscal years 2020 and 2021’ and inserting ‘fiscal years 2022 and 2023’; and
(2) in paragraph (1)—
(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:
‘‘(1) $10,000,000,000 for fiscal year 2022; and
(ii) $10,750,000,000 for fiscal year 2023.’’;
(B) in subparagraph (B), by striking ‘‘$17,005,000’’ and inserting ‘‘$20,006,000’’;
(C) in subparagraph (C), by striking ‘‘(A)(ii) $17,376,000’’ and inserting ‘‘(A)(ii) $23,353,000’’;

(2) in paragraph (3)—
(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:
‘‘(i) $2,459,100,000 for fiscal year 2022; and
(ii) $3,477,600,000 for fiscal year 2023.’’;
(B) in subparagraph (B), by striking clauses (i) and (ii) and inserting the following:
‘‘(i) $20,400,000 for fiscal year 2022; and
(ii) $20,800,000 for fiscal year 2023.’’;

(3) in paragraph (4), by striking subparagraphs (A) and (B) and inserting the following:
‘‘(A) $7,476,000 for fiscal year 2022; and
(B) $14,681,084 for fiscal year 2023.’’;

(4) in paragraph (5), by striking subparagraphs (A) and (B) and inserting the following:
‘‘(A) $40,577,000 for fiscal year 2022; and
(B) $52,887,000 for fiscal year 2023.’’;

SEC. 5102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 4904 of title 14, United States Code, is amended—
(1) in subsection (a), by striking ‘fiscal years 2020 and 2021’ and inserting ‘fiscal years 2022 and 2023’; and
(2) in subsection (b), in the matter preceding paragraph (1), by striking ‘fiscal years 2020 and 2021’ and inserting ‘fiscal years 2022 and 2023’.

SEC. 5103. AUTHORIZATION FOR SHORESIDE INFRASTRUCTURE AND FACILITIES.

(a) IN GENERAL.—In addition to the amounts authorized to be appropriated under section 4902(2)(A) of title 14, United States Code, as amended by section 5011 of this division, for the period of fiscal years 2023 through 2026—
(1) $3,000,000,000 is authorized to fund maintenance, new construction, and repairs needed for Coast Guard shorelines infrastructure;

(b) $150,000,000 is authorized to fund phase two of the training installation project at Coast Guard Training Center Cape May in Cape May, New Jersey, to improve recruitment and training of a diverse Coast Guard workforce; and
(3) $80,000,000 is authorized for the construction of additional new child care development centers constructed using funding authorized by the Infrastructure Investment and Jobs Act (Public Law 117–58: 135 Stat. 429).

(1) COAST GUARD YARD RESILIENT INFRASTRUCTURE AND CONSTRUCTION IMPROVEMENT.—In addition to the amounts authorized to be appropriated under section 4922(5)(A) of title 14, United States Code, as amended by section 5101 of this division—
(1) $400,000,000 is authorized for the period of fiscal years 2023 through 2028 for the Secretary of the Interior, to which the Coast Guard is operating for the purposes of improvements to facilities of the Yard; and
(2) $226,000,000 is authorized for the acquisition of a new floating drydock, to remain available until expended.

SEC. 5104. AUTHORIZATION FOR ACQUISITION OF VESSELS.

In addition to the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 5011 of this division, for the period of fiscal years 2023 through 2026—

(1) $350,000,000 is authorized for the acquisition of a Great Lakes icebreaker that is at least as capable as the Coast Guard cutter Mackinaw (WLB-30);

(2) $172,500,000 is authorized for the program management, design, and acquisition of 12 Pacific Northwest heavy weather boats that are at least as capable as the Coast Guard 52-foot motor surfboat;

(3) $641,000,000 is authorized for the third Polar Security Cutter;

(4) $20,000,000 is authorized for initiation of activities to support acquisition of the Arctic Security Cutter class, including program planning and requirements development to include the establishment of an Arctic Security Cutter Program Office;

(5) $650,000,000 is authorized for the continued acquisition of Offshore Patrol Cutters; and

(6) $650,000,000 is authorized for a twelfth National Security Cutter.

SEC. 5105. AUTHORIZATION FOR THE CHILD CARE SUBSIDY PROGRAM.

In addition to the amounts authorized to be appropriated under section 4902(1)(A) of title 14, United States Code, as amended by section 5104 of this division, for the period of fiscal years 2023 and 2024 for the child care subsidy program—

(1) in general.—The Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
(1) a detailed list of shorelines infrastructure needs for all Coast Guard facilities located within each Coast Guard District in the order of priority, including recapitalization, maintenance needs in excess of $25,000, dredging, and other shorelines infrastructure needs of the Coast Guard;

(2) the estimated cost of projects to fulfill such needs, to the extent available; and
(3) a general description of the state of planning for each such project.

SEC. 5201. FLEET MIX ANALYSIS.

(a) IN GENERAL.—The Commandant shall conduct a fleet mix analysis that provides for a fleet mix sufficient, as determined by the Commandant—

(i) the missions of the Coast Guard;

(ii) emerging mission requirements; and

(iii) to address—
(1) national security threats; and

(ii) the global deployment of the Coast Guard to counter great power competitors.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to Congress a report on the results of the updated fleet mix analysis required by paragraph (1).

SEC. 5202. INFRASTRUCTURE INVESTMENT PLAN.

(1) IN GENERAL.—The Commandant shall develop an updated shore infrastructure investment plan that—
(A) the construction of additional facilities to accommodate the updated fleet mix described in subsection (a)(1);
(B) improvements necessary to ensure that existing facilities meet requirements and remain operational for the lifespan of such fleet mix, including necessary improvements to information technology infrastructure;
(C) a timeline for the construction and improvement of the facilities described in subparagraphs (A) and (B); and
(D) a cost estimate for construction and life-cycle support of such facilities, including for necessary personnel.

(2) REPORT.—Not later than 1 year after the date on which the report under subsection (a)(2) is submitted, the Commandant shall submit to Congress a report on the plan required by paragraph (1).

SEC. 5203. ACQUISITION LIFE-CYCLE COST ESTIMATES.

Section 1132(e) of title 14, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

‘‘(2) TYPES OF ESTIMATES.—For each Level 1 or Level 2 acquisition project or program, in addition to life-cycle cost estimates developed under paragraph (1), the Commandant shall require—
(A) such life-cycle cost estimates to be updated before—
(i) each milestone decision is concluded; and
(ii) the project or program enters a new acquisition phase; and
(B) an independent cost estimate or independent cost assessment, as appropriate, to be developed to validate such life-cycle cost estimates.’’.

SEC. 5204. REPORT AND BRIEFING ON RESOURCING STRATEGY FOR WESTERN PACIFIC REGION.

(a) REPORT.—
(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Coast Guard Commander of the Pacific Area, the Commander of United States Indo-Pacific Command, and the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report outlining the Coast Guard’s resourcing needs to achieve optimum operations in the Western Pacific region.

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

(i) An assessment of the risks and associated—
(1) to United States strategic maritime interests, in particular such interests in areas west of the International Date Line, including risks to bilateral maritime partners of the United States, posed by not fully staffing and equipping Coast Guard operations in the Western Pacific region;

(ii) to the Coast Guard mission and force posed by not fully staffing and equipping...(continued)
SEC. 5200. STUDY AND REPORT ON NATIONAL SECURITY CUTTER AND FAST RESPONSE CUTTER YARDS.

(a) IN GENERAL.—With respect to the Coast Guard, the purposes of the authorization under section 5105(b) are—

(1) to improve resiliency and capacity;
(2) to maintain and expand Coast Guard organic manufacturing capacity;
(3) to expand training and recruitment;
(4) to enhance safety;
(5) to improve environmental compliance; and
(6) to ensure that the Coast Guard Yard is prepared to meet the growing needs of the modern Coast Guard fleet.

(b) I NCLUSIONS.—The Secretary of the department in which the Coast Guard is operating shall ensure that the Coast Guard Yard receives improvements that include the following:

(1) Facilities upgrades needed to improve resiliency of the shipyard, its facilities, and associated infrastructure.
(2) Acquisition of a one-capacity drydock.
(3) Improvements to piers and wharves, drydocks, and capital equipment utilities.
(4) Environmental remediation.
(5) Construction of a new warehouse and paint facility.
(6) Acquisition of a new travel lift.
(7) Dredging necessary to facilitate access to the Coast Guard Yard.

(c) WORKFORCE DEVELOPMENT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the appropriate committees of Congress a briefing on the findings and conclusions of such report.

SEC. 5205. STUDY AND REPORT ON NATIONAL SECURITY AND DRUG TRAFFICKING THREATS IN THE FLORIDA STRAITS AND CARIBBEAN REGION, INCLUDING CUBA.

(a) IN GENERAL.—The Commandant shall conduct a study on national security, drug trafficking, and other relevant threats as the Commandant considers appropriate, in the Florida Straits and Caribbean region, including Cuba.

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

(1) An assessment of—
(A) new technology and evasive maneuvers used by transnational criminal organizations to evade detection and interdiction by Coast Guard law enforcement units and interagency partners; and
(B) capability gaps of the Coast Guard with respect to—
(i) the detection and interdiction of illicit drugs in the Florida Straits and Caribbean region, including Cuba; and
(ii) the detection of national security threats in such region.

(2) A identification of—
(A) the critical technological advancements required for the Coast Guard to meet current and anticipated threats in such region;
(B) the capabilities required to enhance information sharing and coordination between the Coast Guard, its interagency partners, foreign governments, and related civilian entities; and
(C) any significant new or developing threat to the United States posed by illicit actors in such region.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the findings and conclusions of the study under subsection (a).

SEC. 5206. COAST GUARD YARD.

(a) IN GENERAL.—With respect to the Coast Guard Yard, the purposes of the authorization under section 5105(b) are—

(1) to improve resiliency and capacity;
(2) to maintain and expand Coast Guard organic manufacturing capacity;
(3) to expand training and recruitment;
(4) to enhance safety;
(5) to improve environmental compliance; and
(6) to ensure that the Coast Guard Yard is prepared to meet the growing needs of the modern Coast Guard fleet.

(b) I NCLUSIONS.—The Secretary of the department in which the Coast Guard is operating shall ensure that the Coast Guard Yard receives improvements that include the following:

(1) Facilities upgrades needed to improve resiliency of the shipyard, its facilities, and associated infrastructure.
(2) Acquisition of a one-capacity drydock.
(3) Improvements to piers and wharves, drydocks, and capital equipment utilities.
(4) Environmental remediation.
(5) Construction of a new warehouse and paint facility.
(6) Acquisition of a new travel lift.
(7) Dredging necessary to facilitate access to the Coast Guard Yard.

(c) WORKFORCE DEVELOPMENT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the appropriate committees of Congress a briefing on the findings and conclusions of such report.

SEC. 5207. AUTHORITY TO ENTER INTO TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS FOR SUBMARINE COST-EFFECTIVE TECHNOLOGY FOR MISSION NEEDS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"1158. Authority to enter into transactions other than contracts and grants to procure cost-effective advanced technology for mission-critical needs

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Commandant may enter into transactions (other than contracts, cooperative agreements, and grants) to develop prototypes for, and to operate and procure, cost-effective technology for the purpose of meeting the mission needs of the Coast Guard.

"(b) PROCUREMENT AND ACQUISITION.—Procurement or acquisition of technologies under subsection (a) shall be—

"(1) carried out in accordance with this title and Coast Guard policies and guidance; and
"(2) consistent with the operational requirements of the Coast Guard.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—The Commandant may not enter into a transaction under subsection (a) with respect to a technology that—
"(A) does not comply with the cybersecurity standards of the Coast Guard; or
"(B) is sourced from an entity domiciled in the People's Republic of China, unless the Commandant determines that the prototype, operation, or procurement of such a technology is for the purpose of—
"(i) counter-UAS operations, surrogate testing, or training; or
"(ii) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.

"(2) WAIVER.—The Commandant may waive the application under subsection (a) on a case-by-case basis by certifying in writing to the Secretary of Homeland Security and the appropriate committees of Congress that the procurement, operation, or procurement of the technology is for the purpose of—

"(A) education and training;—The Commandant shall ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section, or other innovative forms of contracting, are provided opportunities for adequate education and training with respect to the authority under this section.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this section, the Commandant shall submit to the appropriate committees of Congress a report that—

"(A) describes the use of the authority pursuant to this section; and
"(B) assesses the mission and operational benefits of such authority.

"(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, and throughout this title, the term "appropriate committees of Congress" means—

"(A) the Committee on Commerce, Science, and Transportation of the Senate; and
"(B) the Committee on Transportation and Infrastructure of the House of Representatives.

"(d) REGULATIONS.—The Commandant shall prescribe regulations as necessary to carry out this section.

"(e) DEFINITIONS OF UNMANNED AIRCRAFT, UNMANNED AIRCRAFT SYSTEM, AND COUNTER-UAS.—In this section, the terms "unmanned aircraft," "unmanned aircraft system," and "counter-UAS" have the meanings given such terms in section 48801 of title 49, United States Code.

"(f) CLERICAL AMENDMENT.—

"(1) the analysis for subsection (c) of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"1158. Authority to enter into transactions other than contracts and grants to procure cost-effective advanced technology for mission needs.

"(2) the analysis for subsection (g) of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"1158. Authority to enter into transactions other than contracts and grants to procure cost-effective advanced technology for mission needs.

"(2) the analysis for subsection (g) of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"1158. Authority to enter into transactions other than contracts and grants to procure cost-effective advanced technology for mission needs.

"(2) the analysis for subsection (g) of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"1158. Authority to enter into transactions other than contracts and grants to procure cost-effective advanced technology for mission needs.

"(2) the analysis for subsection (g) of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"1158. Authority to enter into transactions other than contracts and grants to procure cost-effective advanced technology for mission needs.
the Commandant shall incorporate the most recent oceanic and atmospheric data relating to the increasing rates of extreme weather, including flooding, into planning scenarios, and not be limited to mission deployments with respect to all Coast Guard Missions.

(b) COORDINATION WITH NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—In carrying out subsection (a), the Commandant shall—

(1) coordinate with the Under Secretary of Commerce for Oceans and Atmosphere to ensure the incorporation of the most recent environmental and climatic data; and

(2) request technical assistance and advice from the Under Secretary in planning scenarios, as appropriate.

(c) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a brief on the manner in which the best-available science from the National Oceanic and Atmospheric Administration has been incorporated into at least 1 key mission area of the Coast Guard, and the lessons learned from so doing.

SEC. 5209. AQUA ALERT NOTIFICATION SYSTEM PILOT PROGRAM.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall, subject to the availability of appropriations, establish a pilot program to improve the issuance of alerts to facilitate cooperation with the public to render aid to distressed individuals under section 521 of title 14, United States Code;

(b) ELLIPSES.—"the pilot program established under subsection (a) shall, to the maximum extent possible—

(1) include a voluntary opt-in program under which the public, appropriate, and the entities described in subsection (c), may receive notifications on cellular devices regarding Coast Guard activities to render aid to distressed individuals under section 521 of title 14, United States Code;

(2) cover areas located within the area of responsibility of the Coast Guard sectors in diverse geographic regions; and

(3) provide that the dissemination of an alert shall be limited to the geographic areas most affected and the rendering of aid to distressed individuals.

(c) CONSULTATION.—In developing the pilot program under subsection (a), the Commandant shall—

(1) the head of any relevant Federal agency;

(2) the government of any relevant State;

(3) any Tribal Government;

(4) the government of any relevant territory or possession of the United States; and

(5) any relevant political subdivision of an entity described in paragraphs (2), (3), (5).

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter through 2026, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.

(2) PUBLIC AVAILABILITY.—The Commandant shall make the report submitted under paragraph (1) available to the public.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Treasury out of any appropriation for fiscal years $3,800,000 for each of fiscal years 2023 through 2026, to remain available until expended.

Subtitle B—Great Lakes

SEC. 5211. GREAT LAKES WINTER COMMERCE.

(a) IN GENERAL.—Subchapter IV of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

§ 564. Great Lakes icebreaking operations

(a) GAO REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Coast Guard Great Lakes icebreaking program.

(b) ELEMENTS.—The report required under paragraph (1) shall include the following:

(1) An evaluation of mission needs of the Coast Guard Great Lakes icebreaking program.

(2) An evaluation of the impact that the proposed standards described in subsection (b) would have on—

(A) Coast Guard operations in the Great Lakes;

(B) Northeast icebreaking missions; and

(C) inland waterway operations.

(D) A fleet mix analysis for meeting such proposed standards.

(E) A description of the resources necessary to support the fleet mix resulting from such fleet mix analysis, including for crew and operating costs.

(F) Recommendations to the Commandant for improvements to the Great Lakes icebreaking program, including with respect to facilitating commerce and meeting all Coast Guard missions.

(b) PROPOSED STANDARDS FOR ICEBREAKING OPERATIONS.—The proposed standards described in this subsection are the following:

(1) Except as provided in paragraph (2), the Commandant shall keep ice-covered waterways in the Great Lakes open to navigation during not less than 90 percent of the hours that commercial vessels and ferries attempt to transit such ice-covered waterways.

(2) In a year in which the Great Lakes are not open to navigation because of ice of a thickness that occurs on average only once every 10 years, the Commandant shall keep ice-covered waterways in the Great Lakes open to navigation at least 70 percent of the hours that commercial vessels and ferries attempt to transit such ice-covered waterways.

(3) A review of, and a proposed implementation plan for, the results of the fleet mix analysis under subparagraph (D) of that subsection.

(4) Any proposed modifications to the standards for icebreaking operations in the Great Lakes.

(5) Definitions.—In this section:

(1) COMMERCIAL VESSEL.—The term 'commercial vessel' means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, and measured under section 14502, or an alternate tonnage measured under section 14302 of such title, as prescribed by the Secretary of Commerce for Oceans and Atmosphere.

(2) GREAT LAKES.—The term 'Great Lakes' means the United States waters of Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors.

(3) ICE-COVERED WATERWAY.—The term 'ice-covered waterway' means any portion of the Great Lakes in which commercial vessels and ferries operate that is greater than 70 percent covered by ice, but does not include any waters adjacent to piers or docks for which commercial icebreaking services are available and adequate for the ice conditions.

(4) OPEN TO NAVIGATION.—The term 'open to navigation' means navigable to the extent necessary, in no particular order of priority—

(A) to extricate vessels and individuals from danger;

(B) to prevent damage due to flooding;

(C) to meet the reasonable demands of commerce;

(D) to minimize delays to passenger ferries; and

(E) to conduct other Coast Guard missions as required.

(5) REASONABLE DEMANDS OF COMMERCE.—The term 'reasonable demands of commerce' means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed consistent with the delivered capability of Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessel.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

§ 564. Great Lakes icebreaking operations.

SEC. 5212. DATABASE ON ICEBREAKING OPERATIONS IN THE GREAT LAKES.

(a) IN GENERAL.—The Commandant shall establish and maintain a database for collecting, archiving, and disseminating data on icebreaking operations and commercial vessels and ferry transit in the Great Lakes during the ice season.

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

(1) Attempts by commercial vessels and ferries to transit ice-covered waterways in the Great Lakes that are unsuccessful because of inadequate icebreaking.

(2) The period of time that each commercial vessel or ferry was unsuccessful at so transiting due to inadequate icebreaking.

(3) The amount of time elapsed before each such commercial vessel or ferry was successfully broken out of the ice and whether it was accomplished by the Coast Guard or by commercial icebreaking assets.

(4) Relevant communications of each such commercial vessel or ferry with the Coast Guard and with commercial icebreaking services during such period.

(5) A description of any mitigating circumstance, such as Coast Guard icebreaker deployment to higher priority missions, that may have contributed to the amount of time described in paragraph (3).

(c) VOLUNTARY REPORTING.—Any reporting by operators of commercial vessels or ferries under this section shall be voluntary.

(d) PUBLIC AVAILABILITY.—The Commandant shall make the report required under this section available to the public on a publicly accessible internet website of the Coast Guard.
manding Officers, and Commanders of snowmobiles may improve ice rescue rec- urement for Coast Guard units at which develop a plan to expand snowmobile pro-


tations.

secular, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario, their connecting wa-
teways, and their adjacent harbors.

(4) OPEN TO NAVIGATION.—The term “open to navigation” means navigable to the ex-
tent necessary, in no particular order of pri-
ority—

(A) to extricate vessels and individuals from danger;

(B) to prevent damage due to flooding;

(C) to meet the reasonable demands of commerce;

(D) to minimize delays to passenger ferries; and

(E) to conduct other Coast Guard missions as required.

5. REASONABLE DEMANDS OF COMMERCE.—The term “reasonable demands of commerce” means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed con-
sistent with the design capability of Coast Guard icebreakers operating in the Great Lakes, and prop- er to the ice capability of the commercial vessel.

(p) PUBLIC REPORT.—Not later than July 1 after the first winter in which the Com- mander of the Arctic Security Cutter vessel provides the information required under section 564 of title 14, United States Code, the Commandant shall publish on a publicly accessible internet website of the Coast Guard a report on the cost to the Coast Guard of meeting the requirements of that section.

SEC. 5213. GREAT LAKES SNOWMOBILE ACQUI-
SESSION.

(a) In General.—The Commandant shall develop a plan to expand snowmobile pro-
curement for Coast Guard units at which snowmobiles may improve ice rescue re-

sponse times while maintaining the safety of Coast Guard per-
sonnel engaged in search and rescue;

(b) Operational capabilities of a snow-
mobile, as compared to an airboat, and a force laydown assessment with respect to the assets needed for effective operations at Coast Guard units conducting ice rescue ac-
tivities; and

(c) The potential risks to members of the Coast Guard and members of the public posed by the use of snowmobiles by members of the Coast Guard for ice rescue activities.

SEC. 5214. GREAT LAKES BARGE INSPECTION EX-

cections.

Section 3302(m) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “Great Lakes barge” after “so-called barge”; and

(2) by striking “section 330(6) of this title” and inserting “paragraph (6) or (13) of section 330 of this title.”

SEC. 5215. STUDY ON SUFFICIENCY OF COAST GUARD AVIATION ASSETS TO MEET MISSIONS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Com-

mittee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the force laydown of Coast Guard aviation assets; and

(2) any geographic gaps in coverage by Coast Guard assets in areas in which the Coast Guard has search and rescue respons-

ibilities.

(b) ELEMENTS.—The report required by sub-

section (a) shall include the following:

(1) The distance, time, and weather chal-

lenges that MH-65 and MH-60 units may face in reaching the outermost limits of the area of operation of the Coast Guard District 9 and Coast Guard District 8 for which such units are responsible.

(2) An assessment of the advantages that Coast Guard District 9 and 8, or an altern-

ate rotary wing asset, would offer to the Coast Guard for managing and mitigating the risks to commercial maritime operations and the en-

vironment in the Arctic region.

(3) The plans the Coast Guard has in place for managing and mitigating the risks to commercial maritime operations and the en-

vironment in the Arctic region.

(4) A specific assessment of the coverage gaps, including gaps in fixed-wing coverage, and potential solutions to address such gaps in the area of operation of Coast Guard District 9 and Coast Guard District 8, including the eastern region of such area of operation with regard to Coast Guard District 9 and the southern region of such area of operation with regard to Coast Guard District 8.

Subtitle C—Arctic

SEC. 5221. ESTABLISHMENT OF THE ARCTIC SEC-
URITY CUTOFF PROGRAM OFFICE.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall establish a program office for the Arctic Security Cutter to expedite the evaluation of re-

quirements and initiate design of a vessel class critical to the national security of the United States.

(b) DESIGN PHASE.—Not later than 270 days after the date of the enactment of this Act, the Commandant, in consultation with the Administrator of the Maritime Administra-

tion, the Director of the Cybersecurity and

(c) QUARTERLY BRIEFINGS.—Not less fre-

quently than quarterly until the date on which the contract for acquisition of the Arctic Security Cutter is awarded, the Com-

mandant shall provide briefings to the Com-

mittee on Commerce, Science, and Transpor-

tation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

(ters.

(c) Definitions.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRES-

s.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representa-


ters.

(2) ARCTIC.—The term “Arctic” has the mean-

(b) ARCTIC OPERATIONAL IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Sec-

aretary of Defense shall submit to the appropriate committees of Congress that describes the ability and timeline to conduct periodic transits of the Northwest Passage.

SEC. 5223. STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(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 commence a study on the Arctic opera-
tions and infrastructure of the Coast Guard.

(b) ELEMENTS.—The study required under subsection (a) shall assess the following:

(1) The extent of the collaboration between the Coast Guard and the Department of De-

fense to assess, manage, and mitigate secu-

rity risks in the Arctic region.

(2) Actions taken by the Coast Guard to manage risks to Coast Guard operations, in-

frastructure, and workflow planning in the

Arctic.

(3) The plans the Coast Guard has in place for managing and mitigating the risks to commercial maritime operations and the en-

vironment in the Arctic region.

(c) REPORT.—Not later than 1 year after commenc- ing the study required under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-
ters a report on the findings of the study.

Subtitle D—Maritime Cyber and Artificial Intelligence

SEC. 5221. ENHANCING MARITIME CYBERSECURITY.

(a) Definitions.—In this section:

(1) INCIDENT.—The term “cyber incident” has the meaning given the term “incident” in section 2209(a) of the Homeland Security Act of 2002 (6 U.S.C. 659(a)).

(2) MARITIME OPERATORS.—The term “mar-

itime operators” means the owners or opera-
tors of vessels engaged in commercial serv-

ice, the owners or operators of port facilities, and port authorities.

(3) PORT FACILITIES.—The term “port facili-

ties” has the meaning given the term “facility” in section 70101 of title 46.

(b) PUBLIC AVAILABILITY OF CYBERSECURITY TOOLS AND RESOURCES.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant, in consultation with the Administrator of the Maritime Administra-

tion, the Director of the Cybersecurity and

(c) Definitions.—Not in this section:

(1) APPROPRIATE COMMITTEES OF CONGES-

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(2) IDENTIFICATION.—In carrying out para- graph (1), the Commandant, the Adminis- trator of the Maritime Administration, the Director of the Cybersecurity and Infrastruc- ture Security Agency, and the Director of the National Institute of Standards and Technology shall identify tools and re- sources that—

(A) comply with the cybersecurity frame- work for improving critical infrastructure established by the National Institute of Standards and Technology; or

(B) use the guidelines on maritime cyber risk management issued by the International Maritime Organization on July 5, 2017 (or successor guidelines).

(3) CONSULTATION.—The Commandant, the Administrator of the Maritime Administra- tion, the Director of the Cybersecurity and Infrastructure Security Agency, and the Di- rector of the National Institute of Standards and Technology may consult with maritime operators, agencies, stakeholders, and cybersecurity experts to identify tools and resources for purposes of this section.

SEC. 5232. ESTABLISHMENT OF UNMANNED SYS- TEM PROGRAM AND AUTONOMOUS CONTROL AND COMPUTER VISION TECHNOLOGY PROJECT.

(a) UNMANNED SYSTEM PROGRAM.—The Secretary shall establish, under the control of the Commandant, an unmanned system program for the use by the Coast Guard of land-based, cutter-based, and aircraft-based unmanned systems for the purpose of increasing effectiveness and efficiency of mis- sion execution.

(b) AUTONOMOUS CONTROL AND COMPUTER VISION TECHNOLOGY PROJECT.—

"(1) In general.—The Commandant shall con- duct a project to retrofit 2 or more exist- ing Coast Guard small boats deployed at operational units with—

(A) commercially available autonomous control and computer vision technology; and

(B) such sensors and methods of commu- nication as are necessary to control, and technology to assist in conducting, search and rescue, surveillance, and interdiction missions.

(2) DATA COLLECTION.—As part of the project required by paragraph (1), the Com- mandant shall collect and evaluate field-col- lected operational data from the retrofit de- scribed in that paragraph so as to inform fu- ture requirements.

(3) BRIEFING.—Not later than 180 days after the date on which the project required under paragraph (1) is completed, the Com- mandant shall provide a briefing to the Com- mittee on Commerce, Science, and Transporta- tion of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the project that includes an evaluation of the data collected from the project.

"(c) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- fined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- fined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.

"(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Con- gress an estimate of the costs associated with implementing the amendments made by this section:

"(1) UNMANNED SYSTEM DEFINED.—In this section, the term ‘unmanned system’ means—

"(1) an unmanned aircraft system (as de- defined in section 44801 of title 49, United States Code);

"(2) an unmanned marine surface system; and

"(3) an unmanned marine subsurface sys- tem.
(2) identify the resources necessary to improve the use of artificial intelligence and digital technology in such platforms, processes, and operations; and

(3) establish performance objectives and accompanying metrics for the incorporation of artificial intelligence and digital readiess into such platforms, processes, and operations.

(b) PERFORMANCE OBJECTIVES AND ACCOMPANYING METRICS.—

(1) SKILL GAPS.—In carrying out subsection (a), the Commandant shall—

(A) conduct a comprehensive review and assessment of—

(i) skill gaps in the fields of software development, cybersecurity, 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 personnel levels needed to fill identified gaps and meet the needs of the Coast Guard for skilled personnel.

(2) AI MODERNIZATION ACTIVITIES.—In carrying out subsection (a), the Commandant shall—

(A) assess investment by the Coast Guard in artificial intelligence innovation, science and technology, and research and development;

(B) assess investment by the Coast Guard in test and evaluation of artificial intelligence capabilities;

(C) assess the integration of, and the resources necessary to better use artificial intelligence in wargames, exercises, and experimentation;

(D) assess the application of, and the resources necessary to better use, artificial intelligence in logistics and sustainment systems;

(E) assess the integration of, and the resources necessary to better use, artificial intelligence for administrative functions;

(F) establish performance objectives and accompanying metrics for artificial intelligence modernization activities of the Coast Guard; and

(G) identify the resources necessary to effectively use artificial intelligence to carry out the missions of the Coast Guard.

(c) REPORT OF CONGRESS.—Not later than 180 days after the completion of the review required by subsection (a)(1), the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report that includes—

(1) an assessment of the progress on the activities required by subsection (a); and

(2) any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to improve Coast Guard cyber data management.

SEC. 5236. DATA MANAGEMENT.

The Commandant shall develop data workflows and the leveraging of mission-relevant data by the Coast Guard to enhance operational effectiveness and efficiency.

SEC. 5237. STUDY ON CYBER THREATS TO THE UNITED STATES MARINE TRANSPORTATION SYSTEM.

(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 commence a study on cyber threats to the United States marine transportation system.

(b) ELEMENTS.—The study required by paragraph (1) shall assess the following:

(1) The extent to which the Coast Guard, in collaboration with other Federal agencies, sets standards for the cybersecurity of facilities and vessels regulated under parts 104, 106, or 122 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(2) The manner in which the Coast Guard ensures cybersecurity standards are followed by port, vessel, and facility owners and operators.

(3) The extent to which marine sector-specific planning addresses cybersecurity, particularly for vessels and offshore platforms.

(4) The manner in which the Coast Guard, other Federal agencies, and vessels and offshore platform operators exchange information and data relevant to cybersecurity.

(5) The extent to which the Coast Guard is developing an effective cybersecurity specialist in port and vessel systems and collaborating with the private sector to increase the expertise of the Coast Guard with respect to cybersecurity.

(6) The cybersecurity and workforce needs of the Coast Guard necessary to meet future mission demands.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit a report on the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) DEFINITION OF FACILITY.—In this section the term ‘facility’ has the meaning given the term in section 70101 of title 46, United States Code.
Commandant shall provide transportation for an individual described in paragraph (2), and a single dependent of the individual if needed to accompany the individual, at a priority level for an unaccompanied dependent over the age of 18 years traveling on environmental and moral leave.

(2) The proposed paragraph (3), paragraph (1) applies with respect to an individual described in subsection (c)(3) who—

(A) resides in or is located in a Commonwealth or possession of the United States; and

(B) is referred by a military or civilian primary care provider located in that Commonwealth or possession or specialty care provider for services to be provided outside of that Commonwealth or possession.

(3) If an individual described in subsection (c)(3) is a retired member of a reserve component who is ineligible for retired pay under chapter 1223 of title 10 by reason of being under the eligibility age applicable under section 1273h of title 10, paragraph (1) applies to the individual only if the individual is also enrolled in the TRICARE program for certain members of the Retired Reserve authorized under section 1076e of title 10.

(4) The priority for space-available transportation required by this subsection applies with respect to—

(A) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

(B) the return travel.

(5) In this subsection, the terms ‘primary care provider’ and ‘specialty care provider’ refer to an medical or dental professional who provides health care services under chapter 55 of title 10.

(6) Travel may not be provided under this section to a veteran eligible for travel provided under section 1076e of title 10.

CONGRESSIONAL RECORD — SENATE
October 11, 2022

Sec. 521. Authorized strength.

Sec. 524. Report on Coast Guard air station Barbers Point hangar.

Sec. 525. Report on Appropriations of the House of Representatives a report on facilities requirements for constructing a hangar at Coast Guard Air Station Barbers Point on Oahu, Hawaii.

Sec. 526. Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report on facilities requirements for constructing a hangar at Coast Guard Air Station Barbers Point on Oahu, Hawaii.

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

(1) A description of the $45,000,000 phase one design for the hangar at Coast Guard Air Station Barbers Point funded by the Consolidated Appropriations Act, 2022 (Public Law 116-260; 134 Stat. 2632).

(2) An evaluation of the full facilities requirements for such hangar to house, maintain, and operate the MH-65 and HC-130J, including—

(A) storage and provision of fuel; and

(B) maintenance and parts storage facilities.

(3) An evaluation of facilities growth requirements for possible future basing of the MH-60 with the C-130J at Coast Guard Air Station Barbers Point.

(A) A description of and cost estimate for each project phase for the construction of such hangar.

(B) A description of the plan for sheltering in the hangar any events or other unique aircraft of the Coast Guard and partner agencies, such as the National Oceanic and Atmospheric Administration.

(A) A description of the impacts posed to operations at Coast Guard Air Station Barbers Point if future project phases for the construction of such hangar are not funded.

Sec. 524. Report on Coast Guard Air station Barbers Point hangar.

(b) Request.—Not later than 180 days after the date on which the study under paragraph (1) is completed, the Commandant shall provide to 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 strategy.

Subtitle F—Workforce Readiness

Sec. 525. Authorized strength.

Sec. 526. Report on Appropriations of the House of Representatives a report on facilities requirements for constructing a hangar at Coast Guard Air Station Barbers Point on Oahu, Hawaii.

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

(1) A description of the $45,000,000 phase one design for the hangar at Coast Guard Air Station Barbers Point on Oahu, Hawaii.

(2) An evaluation of the full facilities requirements for such hangar to house, maintain, and operate the MH-65 and HC-130J, including—

(A) storage and provision of fuel; and

(B) maintenance and parts storage facilities.

(3) An evaluation of facilities growth requirements for possible future basing of the MH-60 with the C-130J at Coast Guard Air Station Barbers Point.

(A) A description of and cost estimate for each project phase for the construction of such hangar.

(B) A description of the plan for sheltering in the hangar any events or other unique aircraft of the Coast Guard and partner agencies, such as the National Oceanic and Atmospheric Administration.

(A) A description of the impacts posed to operations at Coast Guard Air Station Barbers Point if future project phases for the construction of such hangar are not funded.

Sec. 525. Authorized strength.

Sec. 526. Report on Appropriations of the House of Representatives a report on facilities requirements for constructing a hangar at Coast Guard Air Station Barbers Point on Oahu, Hawaii.

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

(1) A description of the $45,000,000 phase one design for the hangar at Coast Guard Air Station Barbers Point on Oahu, Hawaii.

(2) An evaluation of the full facilities requirements for such hangar to house, maintain, and operate the MH-65 and HC-130J, including—

(A) storage and provision of fuel; and

(B) maintenance and parts storage facilities.

(3) An evaluation of facilities growth requirements for possible future basing of the MH-60 with the C-130J at Coast Guard Air Station Barbers Point.

(A) A description of and cost estimate for each project phase for the construction of such hangar.

(B) A description of the plan for sheltering in the hangar any events or other unique aircraft of the Coast Guard and partner agencies, such as the National Oceanic and Atmospheric Administration.

(A) A description of the impacts posed to operations at Coast Guard Air Station Barbers Point if future project phases for the construction of such hangar are not funded.

Sec. 524. Report on Coast Guard Air station Barbers Point hangar.

(b) Request.—Not later than 180 days after the date on which the study under paragraph (1) is completed, the Commandant shall provide to 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 strategy.
may temporarily increase the total number of commissioned officers permitted under that paragraph by up to 4 percent for not more than 60 days after the date of the commission.

SEC. 5245. CAREER INCENTIVE PAY FOR MARINE INSPECTORS.

(a) AUTHORITY TO PROVIDE ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of the department in which the Coast Guard is operating may provide assignment pay or special duty pay under section 352 of title 14, United States Code, to a member of the Coast Guard serving in a position and assigned as a marine inspector or marine investigator pursuant to section 322 of title 14, United States Code.

(b) ANNUAL BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall provide to 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 any uses of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each briefing required by paragraph (1) shall include the following:

(A) The number of members of the Coast Guard serving as marine inspectors or marine investigators pursuant to section 322 of title 14, United States Code, who are receiving assignment pay or special duty pay under section 352 of title 14, United States Code.

(B) An assessment of the impact of the use of the authority described in this section on the effectiveness and efficiency of the Coast Guard in administering the laws and regulations for the promotion of safety of life and property on and under high seas and waters subject to the jurisdiction of the United States.

(C) An assessment of the effects of assignment pay and special duty pay on retention of marine inspectors and marine investigators.

(D) If the authority provided in subsection (a) is not exercised, a detailed justification for not exercising such authority, including an explanation of the efforts the Secretary of the department in which the Coast Guard is operating is taking to ensure that the Coast Guard workforce contains an adequate number of qualified marine inspectors.

(c) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in coordination with the Director of the National Institute for Occupational Safety and Health, shall conduct a study on the health of marine inspectors and marine investigators who have served in such positions for a period of not less than 10 years.

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

(A) An examination of—

(i) the daily vessel inspection duties of marine inspectors;

(ii) the examination of internal cargo tanks and voids and new construction activities;

(iii) the daily vessel inspection duties of marine investigators;

(iv) the examination of hazardous chemicals or substances to which marine inspectors and marine investigators have been exposed relative to the effects such chemicals or substances have had on marine inspectors and marine investigators.

(B) A review and analysis of the current Coast Guard health and safety monitoring systems, and making such systems, specifically with respect to the exposure of members of the Coast Guard to hazardous substances while carrying out inspections and investigation duties.

(C) Any other element the Secretary of the department in which the Coast Guard is operating considers appropriate.

(d) TERMINATION.—The authority provided by subsection (a) shall terminate on December 31, 2027, unless the study required by subsection (c) is complete and submitted as required by that subsection.

SEC. 5255. EXPANSION OF THE ABILITY FOR SELECTION BOARD TO RECOMMEND ELECTIVE PROMOTIONS.

Section 2116(c)(1) of title 14, United States Code, is amended, in the last sentence, by inserting “three times” after “may not exceed”.

SEC. 5256. MODIFICATION TO EDUCATION LOAN REPAYMENT PROGRAM; MEMBERS ON ACTIVE DUTY IN SPECIFIED MILITARY SPECIALTIES

(a) IN GENERAL.—Section 2772 of title 14, United States Code, is amended to read as follows:

"2772. Education loan repayment program: members on active duty in specified military specialties

"(a)(1) Subject to the provisions of this section, the Secretary may—

"(i) make any loan, insured, or guaranteed under part B of title II of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); or

"(ii) make any loan under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.);

"(iii) a pension fund approved by the Secretary for purposes of this section; or

"(iv) a nonprofit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section;

"(2) Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower;

"(3) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as a member in any military specialty specified by the Secretary;

"(4) The portion or amount of a loan that may be repaid under subsection (a)(3) in any one year shall be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

(e) A person who transfers from service making the person eligible for repayment of loans under this section to service making the person eligible for repayment of loans under section

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(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a report that evaluates responsible, and retirement processing timelines.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:(1) statistics on the number of resignations, retirements, and other separations that occurred;
(2) the processing time for each action described in paragraph (1);
(3) the percentage of requests for such actions that had a command endorsement;
(4) the percentage of requests for such actions that did not have a command endorsement; and
(5) for each denial of a request for a command endorsement and each failure to take action on a request that is a detailed identification of the rationale for such denial or failure to take such action.

SEC. 5259. PHYSICAL DISABILITY EVALUATION SYSTEM PROCEDURE REVIEW.

(a) STUDY.—
(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on the Coast Guard Physical Disability Evaluation System and medical retirement procedures.

(b) ELEMENTS.—The study required by paragraph (1) shall review, and provide recommendations for:
(A) Coast Guard compliance with all applicable laws, regulations, and policies relating to the Physical Disability Evaluation System and medical retirement procedures.
(B) Coast Guard compliance with timelines set forth in—
(i) the instruction of the Commandant entitled "Physical Disability Evaluation System" issued on May 19, 2006 (COMDTINST M1850.2D); and
(ii) the Physical Disability Evaluation System Transparency Initiative (ALCGPSC 030/20).

(c) An evaluation of Coast Guard processes in place to ensure the availability, consistency, and effectiveness of counsel appointed by the Coast Guard Office of the Judge Advocate General to represent members of the Coast Guard undergoing an evaluation under the Physical Disability Evaluation System.

(d) The extent to which the Coast Guard has and uses processes to ensure that such counsel may perform their functions in a manner that is independent of any subordinate being able to perform their functions without undue pressure or interference by the Commandant of the affected member of the Coast Guard.

(e) The frequency with which members of the Coast Guard are provided private counsel in lieu of counsel appointed by the Coast Guard Office of the Judge Advocate General, and the frequency of such actions at each grade.

(f) The timeliness of determinations, guidance, and access to medical evaluations necessary for retirements or rating determinations and overall well-being of the affected member of the Coast Guard.

(g) The guidance, formal or otherwise, provided by the medical professionals reviewing cases within the Physical Disability Evaluation System to affected members of the Coast Guard, and the extent to which such guidance is disclosed to the commanders, commandant of the Coast Guard, or other members of the Coast Guard in the chain of command of such affected members.

(h) The feasibility of establishing a program to allow members of the Coast Guard to select an expedited review to ensure completion of the Medical Evaluation Board report not later than 180 days after the date on which such review was initially submitted.

(i) The Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study conducted under subsection (a) and recommendations for improving the physical disability evaluation system process.

(j) UPDATED POLICY GUIDANCE.—
(1) In general.—Not later than 180 days after the date on which the report under subsection (b) is submitted, the Commandant shall issue updated policy guidance in response to the findings and recommendations contained in the report.

(2) ELEMENTS.—The updated policy guidance required by paragraph (1) shall include the following:
(A) A requirement that a member of the Coast Guard, or the counsel of such a member, shall be informed of, and afforded the option to be present for, any communication between the member's command and the Personnel Service Center, or the Coast Guard Office of the Judge Advocate General, with respect to the duty status of the member.
(B) An exception to the requirement described in subparagraph (A) in which such a member or the counsel of the member is not required to be informed of the contents of such a communication if it is demonstrated that there is a legitimate health and safety need for the member to be excluded from such communications, supported by a medical opinion that such exclusion is necessary for the health or safety of the member, command, or any other individual.

(3) An option to allow a member of the Coast Guard to initiate an evaluation by a medical professional of his or her own choosing in lieu of the Coast Guard healthcare provider, or any other military healthcare provider, has raised a concern about the ability of the member to continue service in the Coast Guard, in accordance with existing medical and physical disability policy.

(D) An updated policy to remove the command endorsement requirement for retirement or separation unless absolutely necessary for the benefit of the United States.

SEC. 5260. EXPANSION OF AUTHORITY FOR MULTICLERICAL ASSESSMENTS OF CERTAIN PERSONNEL.

(a) In General.—Section 2182(a) of title 14, United States Code, is amended by striking—
(B) the grade of O–3;
(C) the grade of O–4; and
(D) the grade of E–10.

(b) STUDY.—
(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall provide to the appropriate committees of Congress a study on the findings of the study conducted under subsection (a) and recommendations for improving the physical disability evaluation system process.

(c) Updated Policy Guidance.—
(1) In general.—Not later than 180 days after the date on which the report under subsection (b) is submitted, the Commandant shall issue updated policy guidance in response to the findings and recommendations contained in the report.

(2) ELEMENTS.—The updated policy guidance required by paragraph (1) shall include the following:
(A) A requirement that a member of the Coast Guard, or the counsel of such a member, shall be informed of, and afforded the option to be present for, any communication between the member's command and the Personnel Service Center, or the Coast Guard Office of the Judge Advocate General, with respect to the duty status of the member.
(B) An exception to the requirement described in subparagraph (A) in which such a member or the counsel of the member is not required to be informed of the contents of such a communication if it is demonstrated that there is a legitimate health and safety need for the member to be excluded from such communications, supported by a medical opinion that such exclusion is necessary for the health or safety of the member, command, or any other individual.

(C) An option to allow a member of the Coast Guard to initiate an evaluation by a medical professional of his or her own choosing in lieu of the Coast Guard healthcare provider, or any other military healthcare provider, has raised a concern about the ability of the member to continue service in the Coast Guard, in accordance with existing medical and physical disability policy.

(D) An updated policy to remove the command endorsement requirement for retirement or separation unless absolutely necessary for the benefit of the United States.
SEC. 5261. PROMOTION PARITY.

(a) INFORMATION TO BE FURNISHED.—Section 2115(a) of title 14, United States Code, is amended—

(1) in paragraph (1), by striking ;" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ; and

(3) by inserting at the end the following:

"(3) in the case of an eligible officer considered for promotion to a rank above lieutenant, any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry and any information placed in the personnel service record of the officer under section 1745(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1561 note), shall be furnished to the special selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary.

(b) SPECIAL SELECTION REVIEW BOARDS.—

(1) shall not be convened under chapter 21 of title 14, United States Code, is amended by inserting after section 2120 the following:

"§ 2120a. Special selection review boards

(a) IN GENERAL.—If the Secretary determines that a promotion board for promotion to a grade at or below the grade of rear admiral is the subject of credible information of an adverse nature, the Secretary shall convene the special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board shall be convened in accordance with the provisions of section 2120a of this title.

(b) CONVENING.—(1) Any special selection review board convened under this section shall be convened in accordance with the provisions of section 2120a of this title.

(c) INFORMATION CONSIDERED.—(1) In reviewing the record and information of each person whose name was referred to it, the special selection review board shall, in such a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened, shall be furnished and considered the following:

(A) The record and information concerning the person furnished in accordance with section 2115 of this title to the promotion board that recommended the person for promotion.

(B) Any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 2115(a)(3) of this title.

(C) The furnishing of information to a special selection review board under paragraph (1)(b) shall be governed by the standards and procedures referred to in section 2115 of this title.

(D) Before information on a person described in subparagraph (A) is furnished to the special selection review board for purposes of this section, the Secretary shall ensure that—

(i) such information is made available to the person; and

(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

(E) A person may waive either or both of the following:

(1) the right to submit comments to a special selection review board under subparagraph (A)(ii) if—

(A) such information was made available to the person in connection with the furnishing of such information under this section; and

(B) the person submitted comments on such information to that promotion board.

(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

(f) CONSIDERATION.—(1) In considering the record and information of a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

(g) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(h) PROMOTION BOARD DEFINED.—In this section, the term ‘promotion board’ means a selection board convened by the Secretary under section 2106 of this title.

(i) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2120 the following:

"2120a. Special selection review boards.

(c) AVAILABILITY OF INFORMATION.—Section 2118 of title 14, United States Code, is amended by inserting after the item relating to section 2118 the following:

"(q) If the Secretary makes a recommendation under this section that the name of an officer be removed from a report of a selection board and the recommendation is accompanied by information that was not presented to that selection board, that information shall be made available to that officer. The Secretary shall provide a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided an appropriate summary of the information.

(d) DELAY OF PROMOTION.—Section 2211(f) of title 14, United States Code, is amended to read as follows:

"The promotion of an officer may be delayed without prejudice if any of the following applies:

(1) The officer is under investigation or proceedings of a court-martial or a board of officers are pending against the officer.

(2) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

(3) A recommendation for promotion of a person does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

(4) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it.

(2) The provisions of section 2117(a) of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 2106 of this title.

(5) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section does not sustain the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, the Secretary shall, if he approves the report, the person, as soon as practicable, be appointed to that grade in accordance with section 2211(a) of this title.

(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

(6) A recommendation for promotion of a person is subject to re-review by the promotion board concerned.
(B) A criminal proceeding in a Federal or State court is pending against the officer.

(C) The Secretary determines that credible information of an adverse nature, including substantiated adverse finding or conclusion described in section 2115a(3), with respect to the officer will result in the convening of a special selection review board under section 2120a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.

(2) An explanation of subparagraph (B), a promotion may be delayed under this subsection until, as applicable—

(i) the completion of the investigation or proceedings described in subparagraph (A); or

(ii) a final decision in the proceeding described in subparagraph (B) is issued; or

(3) an officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion not been delayed.

SEC. 5262. PARTNERSHIP PROGRAM TO DIVERSIFY THE COAST GUARD.

(a) Establishment.—The Commandant shall establish a program for the purpose of increasing the number of underrepresented minorities in the enlisted ranks of the Coast Guard.

(b) Partnerships.—In carrying out the program established under subsection (a), the Commandant shall—

(1) seek to enter into 1 or more partnerships with eligible entities—

(A) to increase the visibility of Coast Guard careers;

(B) to promote curriculum development—

(i) to enable acceptance into the Coast Guard;

(ii) to improve success on relevant exams, such as the Armed Services Vocational Aptitude Battery; and

(C) to provide mentoring for students entering and beginning Coast Guard careers;

(2) enter into a partnership with an existing Junior Reserve Officers’ Training Corps for the purpose of promoting Coast Guard careers;

(c) Eligible Institution Defined.—In this section, the term "eligible institution" means—

(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(2) a Tribal college or university (as defined in section 316(b) of that Act (20 U.S.C. 1069));

(3) a Hispanic-serving institution (as defined in section 502 of that Act (20 U.S.C. 1101a));

(4) a Tribal college or university (as defined in section 316(b) of that Act (20 U.S.C. 1069));

(5) a Native Hawaiian-serving institution (as defined in section 502 of that Act (20 U.S.C. 1101a));

(6) a Native American-serving institution (as defined in section 502 of that Act (20 U.S.C. 1101a));

(7) an Asian American and Native American Pacific Islander-serving institution (as defined in such section); and

(8) a Native American-serving nontribal institution of higher education.

SEC. 5263. EXPANSION OF COAST GUARD JUNIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) In General.—Section 320 of title 14, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) in subsection (b), by striking "subsection (c)" and inserting "subsection (d)"; and

(3) by inserting after subsection (b) the following:

"(c) Scope.—Beginning on December 31, 2025, the Secretary of the department in which the Coast Guard is operating shall maintain at all times a Junior Reserve Officers’ Training Corps program with not fewer than 1 such program established in each Coast Guard district.

(b) Cost Assessment.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to Congress an estimate of the costs associated with implementing the amendments made by this section.

SEC. 5264. IMPROVING REPRESENTATION OF WOMEN AND RACIAL AND ETHNIC MINORITIES AMONG COAST GUARD ACADEMY STUDENTS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, in consultation with the Advisory Board on Women at the Coast Guard Academy established under section 1904 of title 14, United States Code, and the minority outreach team program established by section 1905 of such title, the Commandant shall—

(1) determine which recommendations in the RAND representation report may practically be implemented to promote improved representation in the Coast Guard of—

(A) women; and

(B) racial and ethnic minorities; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategy developed under subsection (a).

(b) Elements.—The report required by paragraph (1) shall include the following:

(1) A description of the manner in which the current programs and partnerships will be modified or expanded to enhance diversity in recruiting and accession at the high school and higher education levels.

SEC. 5265. STRATEGY TO ENHANCE DIVERSITY THROUGH RECRUITMENT AND ACCESION.

(a) In General.—The Commandant shall develop a 10-year strategy to enhance Coast Guard diversity through recruitment and accessioning.

(b) Elements.—The strategy shall—

(1) at educational institutions at the high school and higher education levels;

(2) for the officer and enlisted ranks.

(c) Compliance.—(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategy developed under subsection (a).

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

(1) A description of the strategy the Commandant intends to implement in order to achieve the goals and objectives of the strategy, including the manner in which existing programs and partnerships will be modified or expanded to enhance diversity in recruiting and accession at the high school and higher education levels.

SEC. 5266. SUPPORT FOR COAST GUARD ACADEMY.

(a) In General.—Subchapter II of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

"§ 953. Support for Coast Guard Academy

(1) Authorization.—(A) CONTRACTS AND COOPERATIVE AGREEMENTS.—(A) The Commandant may enter contract and cooperative agreements with 1 or more qualified organizations for the purpose of providing the academic programs of the Coast Guard Academy.

(B) An explanation of the manner in which the strategy supports the Coast Guard’s overall diversity and inclusion action plan.

(c) Notwithstanding section 5266(c) of title 14, the Commandant may enter into contracts and cooperative agreements on a sole source basis pursuant to section 5266(a) of title 10.

(d) Financial controls.—(A) Before entering into a contract or cooperative agreement under paragraph (1), the Commandant shall ensure that the contract or agreement includes appropriate financial controls to account for the resources of the Coast Guard Academy and the qualified organization concerned in accordance with accepted accounting principles.

(B) Any such contract or cooperative agreement shall contain a provision that allows the Commandant to terminate the contract or cooperative agreement in whole, or in part, if the Commandant determines, in writing, that it cannot be conducted in accordance with the terms of the contract or cooperative agreement; and

(ii) would compromise the integrity or appearance of integrity of any program of the Department of Homeland Security.

(3) Leases.—For the purpose of supporting the athletic programs of the Coast Guard Academy, the Commandant may, consistent with section 504(a)(13), rent or lease real property located at the Coast Guard Academy to a qualified organization, except property located at such school that is required to be retained and expended in accordance with subsection (f).

(4) Support services.—(1) Authority.—To the extent required by a contract or cooperative agreement under subsection (a), the Commandant may provide support services to a qualified organization while the qualified organization conducts its support activities at the Coast Guard Academy only if the Commandant determines that the provision of such services is essential for the support of the athletic programs of the Coast Guard Academy.

(2) No liability of the United States. Support services may be provided without any liability of the United States to a qualified organization.
(3) SUPPORT SERVICES DEFINED.—In this subsection, the term ‘support services’ includes utilities, office furnishings and equipment, communications services, records management, audio and video support, and security systems, in conjunction with the leasing or licensing of property.

(4) USE OF NONAPPROPRIATED FUND OPERATION.—(1) Except as provided in paragraph (2), the Commandant may, subject to the acceptance of the qualified organization, allocate appropriated funds to the qualified organization all title to and ownership of the assets and liabilities of the Coast Guard non-appropriated fund instrumentality, the function of which is providing support for the athletic programs of the Coast Guard Academy, including bank accounts and financial reserves in the accounts of such fund instrumentality, equipment, supplies, and other personal property.

(2) The Commandant may not transfer under paragraph (1) any interest in real property.

(5) ACCEPTANCE OF SUPPORT FROM QUALIFIED ORGANIZATION.—

(1) IN GENERAL.—Notwithstanding section 312 of title 31, the Commandant may accept from a qualified organization funds, supplies, and other support of the athletic programs of the Coast Guard Academy.

(2) EMPLOYEES OF QUALIFIED ORGANIZATION.—For purposes of this section, employees of a qualified organization may not be considered to be employees of the United States.

(3) FUNDS RECEIVED FROM NCAA.—The Commandant may accept from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

(4) LIMITATION.—The Commandant shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (d)–(f)

(A) do not reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces (as defined in section 106(a) of title 10) to carry out any responsibility or duty in a fair and objective manner; or

(B) compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

(5) TRADEMARKS AND SERVICE MARKS.—

(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a) may, consistent with section 2260 of title 10 (other than subsection (d) of such section), authorize a qualified organization to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Coast Guard Academy, subject to the approval of the Commandant.

(2) LIMITATIONS.—A licensing, marketing, or sponsorship agreement may not be entered into under paragraph (1) if—

(a) such agreement would reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

(b) the Commandant determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Coast Guard or any individual involved in such a program.

(f) RETENTION AND USE OF FUNDS.—Funds received by the Commandant under this section may be retained for use to support the athletic programs of the Coast Guard Academy and shall remain available until expended.

(g) SERVICE ON QUALIFIED ORGANIZATION BOARD OF DIRECTORS.—A qualified organization is a designated entity for which authorization under sections 1033(a) and 1389(a) of title 10, may be provided.

(h) CONDITIONS.—The authority provided in this subsection to the qualified organization is available only so long as the qualified organization continues—

(1) to qualify as a nonprofit organization under section 501 of the Internal Revenue Code of 1986 and operate in accordance with this section, the law of the State of Connecticut, and the constitution and bylaws of the qualified organization;

(2) to operate exclusively to support the athletic programs of the Coast Guard Academy;

(3) QUALIFIED ORGANIZATION DEFINED.—In this section, the term ‘qualified organization’ means an organization—

(A) described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of that section; and

(B) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting Coast Guard athletics.

SECTION 5267. TRAINING FOR CONGRESSIONAL AFFAIRS PERSONNEL

SEC. 5267. TRAINING FOR CONGRESSIONAL AFFAIRS PERSONNEL

(a) IN GENERAL.—The Commandant shall develop a training course, which shall be administered in person, on the workings of Congress for any member of the Coast Guard selected for a position as a fellow, liaison, counsel, administrative staff for the Coast Guard Office of Congressional and Governmental Affairs, or any Coast Guard district or area governmental affairs officer.

(b) COURSE SUBJECT MATTER.—

(1) IN GENERAL.—The training course required by this section shall provide an overview and introduction to Congress and the Federal legislative process, including—

(A) the congressional budget process;

(B) the congressional appropriations process;

(C) the congressional authorization process;

(D) the Senate advice and consent process for Presidential nominees;

(E) the Senate advice and consent process for treaty ratification;

(F) the roles of Members of Congress and congressional staff in the legislative process;

(G) the concept and underlying purposes of congressional oversight within the governance framework of separation of powers;

(H) the roles of Coast Guard follows, liaisons, counselors, governmental affairs officers, the Coast Guard Office of Program Review, the Coast Guard Headquarters program offices, and any other entity the Commandant considers relevant, and

(I) the rules and responsibilities of Coast Guard public affairs and external communications personnel with respect to Members of Congress and their staff necessary to ensure vulnerability of Coast Guard activities.

(b) C LE R I C A L A M E N D M E N T.—The analysis for chapter 3 of title 14, United States Code, is amended by striking the item relating to subchapter II of chapter 9 of title 14, United States Code, and inserting the following:

"515. Training for congressional affairs personnel."
(a) In General.—The Commandant shall conduct a study to assess whether current weapons training required for Coast Guard law enforcement or other personnel is sufficient.

(b) Elements.—The study required by subsection (a) shall include:

(1) A detailed description of the purpose of and the need for such weapons training and the personnel for whom such training will be provided, including—

(A) the number of such personnel;

(B) the number, location, and type of weapons training required by law for such personnel;

(C) any challenge posed by a transition to state or local government funds, if the object of the activity is a confidential, extraordinary, or emergency nature.

(2) PROCUREMENT.—At the beginning of each fiscal year, the Commandant shall provide a report that includes, for each individual expenditure during the preceding fiscal year under subsection (a), the following:

(A) The amount of such expenditure.

(B) The account from which such expenditure was funded.

(C) The relevant section or sections of title 14, United States Code, under which such expenditure was authorized.

(3) An identification of the approving authority for such expenditure.

(4) A justification as to why other authorities available to the Coast Guard could not be used for such training.

(5) Any other matter the Commandant considers appropriate.
(1) REQUIREMENT.—The Commandant shall, without consideration, transfer in accordance with subsection (b) and convey in accordance with subsection (c) a parcel of the real property described in paragraph (1), including any improvements thereon, to free the Coast Guard of liability for any unforeseen environmental or remediation of substantial unknown that may exist on, or emanate from, such parcel.

(2) PROPERTY.—The property described in this paragraph is real property at Dauphin Island, Alabama, located at 100 Agassiz Street, and consisting of a total of approximately 35.63 acres. The exact acreage and legal description of the parcel of such property to be conveyed or transferred shall be determined by agreement between the Commandant and the Secretary under subsection (b).

(b) TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Commandant shall transfer, as described in subsection (a), to the Secretary of Health and Human Services (in this section referred to as the “Secretary”), for use by the Food and Drug Administration, custody and control of a portion, consisting of approximately 4 acres, of the property described in such subsection to be identified by agreement between the Commandant and the Secretary.

(c) TO THE STATE OF ALABAMA.—The Commandant shall convey, as described in subsection (a), to the Marine Environmental Sciences Consortium, a unit of the government of the State of Alabama, located at Dauphin Island, Alabama, all rights, title, and interest of the United States in and to such portion of the parcel described in such subsection that is transferred to the Secretary under subsection (b).

(d) PAYMENTS AND COSTS OF TRANSFER AND CONVEYANCE.—

(1) PAYMENTS.—

(A) IN GENERAL.—The Secretary shall pay costs to be incurred by the Coast Guard, or reimburse the Coast Guard for such costs incurred by the Coast Guard, to carry out the transfer and conveyance required by this section, including survey costs, appraisal costs, costs for environmental documentation related to the transfer and conveyance, and any other necessary administrative costs related to the transfer and conveyance.

(B) Treatment of amounts received.—

(i) Amounts received by the Commandant as reimbursement under paragraph (1) shall be credited to the Coast Guard Housing Fund established under section 2946 of title 14, United States Code, or the account that was used to pay the costs incurred by the Coast Guard in carrying out the transfer or conveyance required by the Commandant, and shall be available until expended. Amounts so credited shall be merged with amounts in such fund or account to be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

SEC. 5286. TRANSPARENCY AND OVERSIGHT.

(a) In General.—

(1)EMENT WORKLOAD REQUIREMENTS.

(i) the total number of migrant interdictions and Coast Guard sectors in which such interdictions occurred;

(ii) the total number of drug interdictions, the amount and type of drugs interdicted, and the Coast Guard sectors in which such interdictions occurred;

(iii) the physical assets used for drug interdictions, migrant interdictions, and other law enforcement purposes; and

(iv) the total number of Coast Guard personnel who carried out drug interdictions, migrant interdictions, and other law enforcement activities.

(2) An assessment of—

(i) migrant and drug interdictions and other law enforcement activities along the maritime boundaries of the United States, including the maritime boundaries of the northern and southern continental United States and Alaska;

(ii) Federal policies and procedures related to these activities, and the impact of such policies and procedures on the activities described in clause (i), including—

(A) administrative asylum processing policies, such as expulsion pursuant to sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265 and 265b); and

(B) naturalization proceedings in the United States, including the maritime boundaries of the United States, and the associated impact of such naturalizations on the activities described in clause (i);

(iii) increases or decreases in physical Coast Guard assets in the areas described in clause (i), the proximity of such assets to such areas, and the associated impact of such increases or decreases on the activities described in clause (i); and

(iv) increases or decreases in physical Coast Guard assets in the areas described in clause (i), the proximity of such assets to such areas, and the associated impact of such increases or decreases on the activities described in clause (i).

(3) Not later than 1 year after completing the study required by paragraph (1), the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the House of Representatives a report on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.

SEC. 5287. STUDY ON SAFETY INSPECTION PROGRAM FOR CONTAINERS AND FACILITIES RECEIVING CONTAINERS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Commissioner of U.S. Customs and Border Protection, shall complete a study on the safety inspection program for containers (as defined in section 80501 of title 46, United States Code) and the appropriate compatible waterfront facilities receiving containers.

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

(1) An evaluation and review of such safety inspection program.

(2) A determination of—

(A) the number of container inspections conducted annually by the Coast Guard during the preceding 10-year period, as compared to the number of containers moved through United States ports annually during such period; and

(B) the number of qualified Coast Guard container and facility inspectors, and an assessment as to whether, during the preceding 10-year period, there were a sufficient number of such inspectors to carry out the mission of the Coast Guard.

(3) An evaluation of the training programs available to such inspectors and the adequacy of such training programs during the preceding 10-year period.

(4) An assessment as to whether such training programs adequately prepare future leaders for leadership positions in the Coast Guard.

(5) An identification of areas of improvement for such program in the interest of commerce and national security, and the costs associated with such improvements.

(b) Report.—Not later than 1 year after completing the study required by subsection (a), the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the House of Representatives a report on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.
of Representatives a report on the findings of the study.

c) BRIEFING.—Not later than 90 days after the date on which the enactment of this Act, the Commandant shall commence a feasibility study on construction of a Coast Guard station at Port Mansfield.

SEC. 5290. FEASIBILITY STUDY ON CONSTRUCTION OF COAST GUARD STATION AT PORT MANSFIELD.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall commence a feasibility study on construction of a Coast Guard station at Port Mansfield, Texas.

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

(A) An assessment of the resources and workforce requirements necessary for a new Coast Guard station at Port Mansfield.

(B) An identification of the enhancements to the missions and capabilities of the Coast Guard that a new Coast Guard station at Port Mansfield would provide.

(C) An estimate of the life-cycle costs of such a facility, including the construction, maintenance costs, and staffing costs.

(D) A cost-benefit analysis of the enhancements to the missions and capabilities of the Coast Guard that the new Coast Guard station at Port Mansfield would provide.

(b) REPORT.—Not later than 180 days after commencing the study required by subsection (a), the Commandant shall submit to the Committee on Commerce, Science, and Transportation, the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 5290. MODIFICATION OF PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating (referred to in this section as the "Secretary") shall, consistent with the Integrated Mission Area Systems Vision (as that term is defined in section 1015(d) of the United States Code), promulgate final rules containing—

(1) standards to ensure that unmanned aircraft systems are not operated over the United States or an allied country in a manner that is inconsistent with the ongoing Integrated Multi-Domain Enterprise joint effort by the Department of Homeland Security and the Department of Defense to establish a secure, centralized, multi-agency, multi-platform information sharing and real-time, data and information sharing between U.S. Customs and Border Protection and the Coast Guard for purposes of maritime boundary enforcement activities along the maritime boundaries of the United States, including the maritime boundaries in the northern and southern continental United States and Alaska;

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall submit to Congress a certification that the Commandant has promulgated final rules with respect to unmanned aircraft systems.

SEC. 5291. OPERATIONAL DATA SHARING CAPABILITY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Commandant shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) intelligence, electronic warfare, and training necessary for operational missions; and

(2) the Coast Guard requirements for determining future mission needs.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall replace covered unmanned aircraft systems manufactured in the United States or an allied country (as that term is defined in section 2586(d) of the United States Code) with the most capable system.

(c) REQUIREMENTS.—The capability established under subsection (a), the Secretary shall prioritize enforcement areas experiencing the highest levels of enforcement activity.

(d) WAIVER.—The Commandant may waive the restrictions under subsection (a) on a case-by-case basis by certifying in writing not later than 15 days after exercising such waiver to the Department of Homeland Security, the Commandant, the Secretary, and the Committee on Transportation and Infrastructure of the House of Representatives that the operation or procurement of a covered unmanned aircraft system is required in the national interest of the United States.

(e) REPORT.—

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

(1) COVERED FOREIGN COUNTRY.—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.

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

"(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term 'covered unmanned aircraft system' means—

"(A) an unmanned aircraft system described in paragraph (a); and

"(B) a system described in paragraph (2) of that subsection;"

and

(4) by adding at the end the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) In general.—The Commandant may waive the restriction under subsection (a) on a case-by-case basis by certifying in writing not later than 15 days after exercising such waiver to the Department of Homeland Security, the Commandant, the Secretary, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the establishment of the capability under this section.

"(2) CIVILIAN USE.—Nothing in this section may be construed to authorize the Coast Guard, U.S. Customs and Border Protection, or any other partner agency to acquire, share, or transfer personal information relating to an individual in violation of any Federal or State law or regulation.

SEC. 5292. PROCUREMENT OF TETHERED AERO- STAT RADAR SYSTEM FOR COAST GUARD STATION SOUTH PADRE ISLAND.

Subject to the availability of appropriations, the Secretary of the department in which the Coast Guard is operating shall procure not fewer than 1 tethered aerostat radar system, or similar technology, for use by the Coast Guard and other partner agencies, including U.S. Customs and Border Protection, at and around Coast Guard Station South Padre Island.

SEC. 5293. ASSESSMENT OF IRAN SANCTIONS RELIEF ON COAST GUARD OPERATIONS UNDER THE JOINT COMPREHENSIVE PLAN OF ACTION.

Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Secretary of Defense Intelligence Agency and the Commandor of United States Central Command, shall provide to Congress a briefing on the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, in an unclassified setting and with a classified component if necessary, on—

(1) the extent to which the Commandant assesses Iran would use sanctions relief received by Iran under the Joint Comprehensive Plan of Action to bolster Iran's support for Iranian forces or Iranian-linked groups across the Middle East in a manner that may impact Coast Guard personnel and operations in the Middle East; and

(2) the Coast Guard requirements for deterrence and countering increased malign behavior from such groups in respect to activities under the jurisdiction of the Coast Guard.

SEC. 5294. REPORT ON SHIPYARDS OF FINLAND AND SWEDEN.

Not later than 2 years after the date of the enactment of this Act, the Commandant, in consultation with the Comptroller General of the United States, shall submit to Congress a report that analyzes the shipyards of Finland and Sweden to assess future opportunities for technical assistance related to the possible construction of the Coast Guard in fulfilling its future mission needs.

SEC. 5295. PROHIBITION ON CONSTRUCTION CONTRACTS WITH ENTITIES ASSOCIATED WITH THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—The Commandant may not award any contract for new construction or major modification of equipment until the date on which the Commandant provides to Congress a certification that the party or parties to the contract, acting directly or indirectly through a related party or through any other means, including ownership or control, does not have a direct or indirect interest in an entity that—

(1) owned or controlled by the People's Republic of China; or

(2) part of the defense industry of the Chinese Communist Party.

(b) INAPPLICABILITY TO TAIWAN.—Subsection (a) shall not apply with respect to an economic interest in an entity owned or controlled by Taiwan.
(A) REVIEW.—(1) IN GENERAL.—The Commandant, in consultation with the Administrator of the Drug Enforcement Administration and the Secretary of Health and Human Services, shall—

(i) conduct a review of—

(A) the equipment, training kits, and rescue medications used to conduct Coast Guard drug interdiction operations; and

(B) the safety and training standards, policies, and procedures with respect to such operations;

(ii) determine whether the Coast Guard is using the latest equipment and technology and up-to-date training and standards for recognition, handling, testing, and securing illegal drugs, fentanyl, and other synthetic opioids, and precursor chemicals during such operations;

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the appropriate committees of Congress a report on the results of the review conducted under paragraph (1).

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINITIONS.—In this section, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(b) ELIGIBILITY.—If, as a result of the review required by subsection (a), the Commandant determines that the Coast Guard is not using the latest equipment and technology and up-to-date training and standards for recognizing, handling, testing, and securing illegal drugs, fentanyl, and other synthetic opioids, and precursor chemicals during drug interdiction operations, the Commandant shall ensure that the Coast Guard acquires and uses such equipment and technology, carries out such training, and implements such standards.

(c) TESTING FOR FENTANYL.—The Commandant shall ensure that Coast Guard drug interdiction operations include the testing of substances encountered during such operations for fentanyl, as appropriate.

SEC. 5297. PRIORITY FOR ACCESSIBILITY OF INFORMATION ON MONTHLY MIGRANT INTERDICTIONS

Not later than the 15th day of each month, the Commandant shall make available to the public on an internet website of the Coast Guard the number of migrant interdictions carried out by the Coast Guard during the preceding month.

TITLE LIII—ENVIRONMENT

SEC. 5301. DEFINITION OF SECRETARY.

Except as otherwise specifically provided in this title, the term "Secretary" means the Secretary of Commerce, Science, and Transportation of the Senate; and

SEC. 5311. DEFINITIONS.

In this title:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.

(2) CORE FORAGING HABITATS.—The term “core foraging habitats” means areas—

(A) and physical oceanographic features that aggregate Calanus finmarchicus; and

(3) EXCLUSIVE ECONOMIC ZONE.—The term “exclusive economic zone” means the area of the high seas which is given that term in section 107 of title 46, United States Code.

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LARGE CETACEAN.—The term “large cetacean” means all endangered or threatened species within—

(A) the suborder Mysticeti; or

(B) the genera Orcinus or

(C) the genera Orca.

(6) NEAR REAL-TIME.—The term “near real-time”, with respect to monitoring of whales, means that visual, acoustic, or other detection of whales are processed, transmitted, and reported as close to the time of detection as is technically feasible.

(7) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(c)(3) of such Code.

(8) PUGET SOUND REGION.—The term “Puget Sound region” means the Vessel Traffic Service Puget Sound area described in section 161.120 of the Federal Regulations (as of the date of the enactment of this Act).

(9) TRIBAL GOVERNMENT.—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, including (indicated parenthetically in the list published most recently as of the date of the enactment of this Act pursuant to section 164 of the Federally-Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5331)).

(10) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 5312. ASSISTANCE TO PORTS TO REDUCE THE IMPACTS OF VESSEL TRAFFIC AND PORT OPERATIONS ON MARINE MAMMALS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Secretary, the Secretary of Commerce, and the Secretary of the Interior, shall establish a grant program to provide assistance to eligible entities to develop and implement mitigation measures that will lead to a quantifiable reduction in threats to marine mammals from vessel traffic, including shipping activities and port operations.

(b) ELIGIBLE ENTITIES.—An eligible entity is an eligible entity for purposes of assistance awarded under subsection (a) if the entity is—

(1) a port authority for a port; or

(2) a State, the Secretary, Tribal government, or an Alaska Native or Native Hawaiian entity that has jurisdiction over a maritime port authority or a port;

(3) an academic institution, research institute, nonprofit organization working in partnership with a port; or

(4) a consortium of entities described in paragraphs (1) or (2).

(c) ELIGIBLE USES.—Assistance awarded under subsection (a) may be used to develop, assess, and implement activities that reduce threats to marine mammals by—

(1) reducing underwater stressors related to marine traffic;

(2) reducing mortality and serious injury from vessel strikes and other physical dislocations;

(3) monitoring sound; and

(4) reducing vessel interactions with marine mammals.

(d) PRIORITIES.—The Under Secretary shall prioritize assistance under subsection (a) for ports that—

(1) are in close proximity to areas in which threatened or endangered cetaceans are known to experience other stressors; or

(2) allow eligible entities to conduct risk assessments and to track progress toward threat reduction.

(e) OUTFEACH.—The Under Secretary, in coordination with the Secretary, the Administrator of the Maritime Administration, and the Director of the United States Fish and Wildlife Service, as appropriate, shall conduct coordinated outreach to ports to provide information with respect to—

(1) how to apply for assistance under subsection (a); and

(2) the benefits of such assistance.

(f) REPORT REQUIRED.—Not less frequently than annually, the Under Secretary shall make available to the public on a publicly accessible internet website of the National Oceanic and Atmospheric Administration a report that includes the following information:

(1) the name and location of each entity to which assistance was awarded under subsection (a) during the year preceding submission of the report.

(2) the amount of each such award.

(3) a description of the activities carried out with each such award.

(4) an estimate of the likely impact of such activities on the reduction of threats to marine mammals.

(5) an estimate of the likely impact of such activities, including the cost of such activities, on port operations.

(f) IN CONCLUSION.—From funds otherwise appropriated to the Under Secretary, $10,000,000 is authorized to carry out this section for each of fiscal years 2023 through 2028.

(g) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

SEC. 5313. NEAR REAL-TIME MONITORING AND MITIGATION PROGRAM FOR LARGE CETACEANS.

(a) ESTABLISHMENT.—The Under Secretary, in coordination with the heads of other relevant Federal agencies, shall design and deploy a cost-effective, efficient, and results-oriented near real-time monitoring and mitigation program for endangered or threatened cetaceans referred to in this section as the "Program".

(b) PURPOSE.—The purpose of the Program shall be to reduce the risk to large cetaceans
posed by vessel collisions, and to minimize other impacts on large cetaceans, through the use of near real-time location monitoring and location information.

(c) REQUIREMENTS.—The Program shall—

(1) prioritize species of large cetaceans for which impacts from vessel collisions are of particular concern;

(2) prioritize locations where such impacts are of particular concern;

(3) be capable of detecting and alerting ocean users and enforcement agencies of the probabilities of large cetaceans in an actionable real-time basis, including through near real-time data whenever possible;

(4) inform sector-specific mitigation protocols to decrease calving, cow-calf, or migratory habitats of North Atlantic right whales that co-occur with areas of high risk of mortality or serious injury from vessel strikes, disturbances, and other sources of the House of Representatives, and make available to the public, a preliminary report on the pilot project.

(II) ELEMENTS.—The report required by clause (i) shall include the following:

(I) A description of the monitoring methods and technology in use or planned for deployment under the pilot project.

(II) An analysis of the efficacy of the methods and technology in use or planned for deployment for detecting North Atlantic right whales.

(III) An assessment of the manner in which the monitoring system designed and deployed under paragraph (3) is directly informative of the health and survival of North Atlantic right whales.

(IV) A prioritized identification of technology or research gaps.

(V) A plan to communicate the risks of injury to large cetaceans to ocean users in a manner that is most likely to result in informed decision making regarding the mitigation of such risks; and

(VI) Any other information on the potential benefits and efficacy of the pilot project the Under Secretary considers appropriate.

(b) REPORTS.—

(i) IN GENERAL.—Not later than 6 years after the date of the enactment of this Act, the Secretary, with the concurrence of the Under Secretary, shall submit a report to the Committee on Commerce, Science, and Transportation of the House of Representatives, and make available to the public, a final report on the pilot project.

(II) ELEMENTS.—The report required by clause (i) shall—

(A) address the elements under subparagraph (A)(i) and (ii);

(B) include—

(aa) an assessment of the benefits and efficacy of the pilot project;

(bb) a strategic plan to expand the pilot project to provide near real-time monitoring and mitigation measures—

(1) to additional large cetaceans of concern for which such measures would reduce risk of serious injury or death; and

(2) in important feeding, breeding, calving, rearing, or migratory habitats of North Atlantic right whales that co-occur with areas of high risk of mortality or serious injury from vessel strikes or disturbance; or

(cc) a budget and description of funds necessary to carry out such strategic plan;

(dd) a prioritized plan for acquisition, deployment, and maintenance of monitoring technologies; and

(ee) the location or species to which such plan would apply.

(c) MITIGATION PROTOCOLS.—The Under Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and with input from affected stakeholders, shall develop and deploy mitigation protocols that make use of the monitoring information developed under subsection (d) and deployed under subsection (d)(3) for purposes of scientific research and evaluation and public awareness and education through the Right Whale Sighting Advisory System of the National Oceanic and Atmospheric Administration and WhaleMap or other successor public internet website portals, subject to review for national security considerations.

(d) ADDITIONAL AUTHORITY.—The Under Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this section as the Under Secretary considers appropriate, consistent with the Federal Acquisition Regulation.

(e) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

SECTION 5314. PILOT PROGRAM TO ESTABLISH A CETACEAN DESK FOR PUGET SOUND REGION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, with the concurrence of the Under Secretary, shall establish a pilot program to establish a Cetacean Desk, which shall be—

(A) located and manned within the Puget Sound Vessel Traffic Service; and

(B) designed—

(I) to improve coordination with the maritime industry to reduce the risk of vessel impacts to large cetaceans, including impacts from vessel strikes, disturbances, and other sources of the House of Representatives; and

(ii) to monitor the presence and location of large cetaceans during the months during which such large cetaceans are present in Puget Sound, the Strait of Juan de Fuca, and the United States portion of the Salish Sea.

(2) DURATION AND STAFFING.—The pilot program required by paragraph (1)—

(A) shall—

(i) be for a duration of 4 years; and

(ii) require not more than 1 full-time equivalent position, who shall also contribute to other necessary Puget Sound Vessel Traffic Service duties and responsibilities as needed; and

(B) may be supported by other existing Federal employees, as well as

(c) ENGAGEMENT WITH VESSEL OPERATORS.—

(1) IN GENERAL.—Under the pilot program required by subsection (a), the Secretary shall require personnel of the Cetacean Desk to engage with vessel operators in areas where large cetaceans have been seen or could reasonably be present to ensure compliance with applicable laws, regulations, and voluntary guidance, to reduce the impacts of vessel traffic on large cetaceans.

(2) CONTENTS.—In ensuring vessel operators as required by paragraph (1), the Secretary shall require personnel of the Cetacean Desk to engage with vessel operators in areas where large cetaceans have occurred.

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Under Secretary may enter into a memorandum of understanding to facilitate real-time sharing of data relating to large cetaceans between the Quiet...
Sound program of the State of Washington, the National Oceanic and Atmospheric Administration, and the Puget Sound Vessel Traffic Service, and other relevant entities, as appropriate.

(d) DATA.—The Under Secretary shall leverage existing data collection methods, the Program required by section 313, and public data to provide timely information on the sighting of large cetaceans.

(e) CONSULTATIONS.—(1) IN GENERAL.—In carrying out the pilot program required by subsection (a), the Secretary shall consult with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports in the Puget Sound region, and non-governmental organizations.

(d) COORDINATION WITH CANADA.—When appropriate, the Secretary shall coordinate with the Government of Canada, consistent with policies and agreements relating to vessel traffic in Puget Sound.

(f) PUGET SOUND VESSEL TRAFFIC SERVICE LOCAL VARIANCE AND POLICY.—The Secretary, with the concurrence of the Under Secretary and in consultation with the Captain of the Port for the Puget Sound region,

(1) shall implement local variances, as authorized by subsection (c) of section 70001 of title 46, United States Code, to reduce the impact of vessel traffic on large cetaceans; and

(2) may enter into cooperative agreements, in accordance with subsection (d) of that section, with Federal, State, and local officials to reduce the likelihood of vessel interactions with protected large cetaceans, which may include—

(A) communicating marine mammal protection guidance to vessels;

(B) training on requirements imposed by local, State, Tribal, and Federal laws and regulations governing the geographic area;

(C) use and coordinate with the Integrated Ocean Observing System; and

(D) training and communicate basic large cetacean detection, identification, and behavior, including—

(i) (A) any migratory routes of large cetaceans such as spouts, water disturbances, breaches, or presence of prey;

(ii) important feeding, breeding, calving, and breeding habitat; and such co-occur with areas of high risk of vessel strikes;

(iii) seasonal large cetacean migration routes that co-occur with areas of high risk of vessel strikes; and

(iv) areas designated as critical habitat for large cetaceans.

(g) REFUSAL REQUIRED.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter for the duration of the pilot program under this section, the Secretary, in coordination with the Under Secretary and the Administrator of the Maritime Administration, shall submit to the appropriate congressional committees a report that—

1. describes the functionality, utility, reliability, responsiveness, and operational status of the Cetacean Desk established under the pilot program required by subsection (a), including a quantification of reductions in vessel strikes to large cetaceans as a result of the pilot program; and

2. assesses the efficacy of communication between the Cetacean Desk and the maritime industry and provides recommendations for improvements;

3. evaluates the coordination and interoperability of existing data collection methods, as well as public data, into the Cetacean Desk operations;

4. assesses the efficacy of collaboration and stakeholder engagement with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports in the Puget Sound region, and non-governmental organizations; and

5. evaluates the progress, performance, and implementation of guidance and training procedures for Puget Sound Vessel Traffic Service personnel.

SEC. 5315. MONITORING OCEAN SOUNDSCAPES.

(a) IN GENERAL.—The Secretary shall maintain and expand an ocean soundscape development program—

1. to award grants to expand the deployment of Federal and non-Federal observing and data management systems capable of collecting measurements of underwater sound for purposes of monitoring and analyzing baselines and trends in the underwater soundscape to protect and manage marine life;

2. to continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and

3. after coordinating with the Secretary of Defense, to coordinate and make accessible to the public databases, modeling, and analysis, and user-driven products and tools resulting from observations of underwater sound funded through grants awarded under paragraph (1). (b) COORDINATION.—The program described in subsection (a) shall—

1. include the Ocean Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service;

2. use and coordinate with the Integrated Ocean Observing System; and

3. coordinate with the Regional Ocean Partnerships and the Director of the United States Fish and Wildlife Service, as appropriate.

(c) PRIORITY.—In awarding grants under subsection (a), the Under Secretary shall consider the geographic diversity of the recipients of such grants.

(d) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(e) FUNDING.—From funds otherwise appropriated to the Under Secretary, $1,500,000 is authorized for each of fiscal years 2023 through 2028 to carry out this section.

Subtitle B—Oil Spills

SEC. 5321. IMPROVING OIL SPILL PREPAREDNESS.

The Under Secretary of Commerce for Oceans and Atmosphere shall include in the Automated Data Inquiry for Oil Spills database (or successor database) used by National Oceanic and Atmospheric Administration oil weathering models new data, including satellite imagery, in situ, and weathered crude and refined oils, including data on diluted bitumen, as such data becomes publicly available.

SEC. 5322. WESTERN ALASKA OIL SPILL PLANNING CRITERIA.

(a) ALASKA OIL SPILL PLANNING CRITERIA PROGRAM.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

(2) assesses the efficacy of communication between the Cetacean Desk and the maritime industry and provides recommendations for improvements;

3. evaluates the coordination and interoperability of existing data collection methods, as well as public data, into the Cetacean Desk operations;

4. assesses the efficacy of collaboration and stakeholder engagement with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports in the Puget Sound region, and non-governmental organizations; and

5. evaluates the progress, performance, and implementation of guidance and training procedures for Puget Sound Vessel Traffic Service personnel.

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2. to continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and

3. after coordinating with the Secretary of Defense, to coordinate and make accessible to the public databases, modeling, and analysis, and user-driven products and tools resulting from observations of underwater sound funded through grants awarded under paragraph (1).

(b) COORDINATION.—The program described in subsection (a) shall—

1. include the Ocean Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service;

2. use and coordinate with the Integrated Ocean Observing System; and

3. coordinate with the Regional Ocean Partnerships and the Director of the United States Fish and Wildlife Service, as appropriate.

(c) PRIORITY.—In awarding grants under subsection (a), the Under Secretary shall consider the geographic diversity of the recipients of such grants.

(d) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(e) FUNDING.—From funds otherwise appropriated to the Under Secretary, $1,500,000 is authorized for each of fiscal years 2023 through 2028 to carry out this section.

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(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

(2) assesses the efficacy of communication between the Cetacean Desk and the maritime industry and provides recommendations for improvements;

3. evaluates the coordination and interoperability of existing data collection methods, as well as public data, into the Cetacean Desk operations;

4. assesses the efficacy of collaboration and stakeholder engagement with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports in the Puget Sound region, and non-governmental organizations; and

5. evaluates the progress, performance, and implementation of guidance and training procedures for Puget Sound Vessel Traffic Service personnel.

SEC. 5315. MONITORING OCEAN SOUNDSCAPES.

(a) IN GENERAL.—The Secretary shall maintain and expand an ocean soundscape development program—

1. to award grants to expand the deployment of Federal and non-Federal observing and data management systems capable of collecting measurements of underwater sound for purposes of monitoring and analyzing baselines and trends in the underwater soundscape to protect and manage marine life;

2. to continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and

3. after coordinating with the Secretary of Defense, to coordinate and make accessible to the public databases, modeling, and analysis, and user-driven products and tools resulting from observations of underwater sound funded through grants awarded under paragraph (1).

(b) COORDINATION.—The program described in subsection (a) shall—

1. include the Ocean Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service;

2. use and coordinate with the Integrated Ocean Observing System; and

3. coordinate with the Regional Ocean Partnerships and the Director of the United States Fish and Wildlife Service, as appropriate.

(c) PRIORITY.—In awarding grants under subsection (a), the Under Secretary shall consider the geographic diversity of the recipients of such grants.

(d) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(e) FUNDING.—From funds otherwise appropriated to the Under Secretary, $1,500,000 is authorized for each of fiscal years 2023 through 2028 to carry out this section.

Subtitle B—Oil Spills

SEC. 5321. IMPROVING OIL SPILL PREPAREDNESS.

The Under Secretary of Commerce for Oceans and Atmosphere shall include in the Automated Data Inquiry for Oil Spills database (or successor database) used by National Oceanic and Atmospheric Administration oil weathering models new data, including satellite imagery, in situ, and weathered crude and refined oils, including data on diluted bitumen, as such data becomes publicly available.

SEC. 5322. WESTERN ALASKA OIL SPILL PLANNING CRITERIA.

(a) ALASKA OIL SPILL PLANNING CRITERIA PROGRAM.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:
‘(i) in any geographic area in the United States; and
‘(ii) specifically in the Seventeenth Coast Guard District; and
‘(2) the Secretary to train all Coast Guard personnel involved in the Program.’

‘(d) Definitions.—In this section:
‘(1) ALTERNATIVE PLANNING CRITERIA.—The term ‘alternative planning criteria’ means the criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.
‘(2) Tribal.—The term ‘Tribal’ means of or pertaining to an Indian Tribe or a Tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

‘(3) Vessel Response Plan.—The term ‘vessel response plan’ means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

‘(4) Western Alaska Oil Spill Planning Criteria.—The term ‘Western Alaska oil spill planning criteria’ means the criteria required under paragraph (9) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

‘(5) Clerical Amendment.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

‘323. Western Alaska Oil Spill Planning Criteria.'
SEC. 5321. ADVANCE AND INCIDENT NOTIFICATION RELATING TO PIPELINES.

(a) Repeal.—Subsection (c) of section 9 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (49 U.S.C. 60117 note; Public Law 112–90) is repealed.

(b) Application.—Section 9 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (49 U.S.C. 60117 note; Public Law 112–90) shall be applied and administered as if the subsection repealed by subsection (a) had never been enacted.

SEC. 5324. COAST GUARD CLAIMS PROCESSING COSTS.

Section 1311(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by striking “damages,” and inserting “damages, including, in the case of a spill of national significance not later than 30 days after the date on which the Coast Guard determines it necessary to process those claims,”.

SEC. 5325. CALCULATION OF INTEREST ON DEBT OWED TO THE NATIONAL POLLUTION FUND.

Section 1321(c)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2721(c)(4)) is amended—

(1) in clause (i), by striking “$1,000,000,000” and inserting “$500,000,000;”;

(2) in clause (ii), by striking “$500,000,000” and inserting “$750,000,000;”;

(3) in the heading, by striking “$1,000,000,000,” and inserting “$1,500,000,000.”

SEC. 5327. ACCESS TO THE OIL SPILL LIABILITY FUND.

Section 6002 of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended by striking subsection (b) and inserting the following:

"(1) In general.—Subsection (a) shall not apply to—

(A) section 1006(f), 1012(a)(4), or 5006; or

(B) an amount, which may not exceed $50,000,000 in any fiscal year, made available by the President from the Fund.

(2) by striking paragraph (2) of subsection (c)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)(3)); and

(3) by inserting the following:

"(i) to initiate the assessment of natural resources damages required under section 1006.

(2) FUND ADVANCES.—

(A) In general.—To the extent that the amount described in subparagraph (B) is not adequate to carry out the activities described in that subparagraph, the Coast Guard may request monetary advances from the Fund as may be necessary, up to a maximum of $100,000,000 for each advance, with the total amount of advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986.

(B) NOTIFICATION TO CONGRESS.—Not later than 30 days after the date on which the Coast Guard obtains an advance under subparagraph (A), the Coast Guard shall notify Congress of—

"(i) the amount advanced; and

(ii) the facts and circumstances that necessitated the advance.

(C) REPAYMENT.—Amounts advanced under this paragraph shall be repaid to the Fund when, and to the extent that, removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge of oil.

(3) AVAILABILITY.—Amounts to which this subsection applies shall remain available until expended.

SEC. 5329. COST-REIMBURSABLE AGREEMENTS.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) in clause (i), by striking “by a Governor or designated State official” and inserting “by a Governor, or designated State official”;

(2) by striking subsections (d) and (e) and inserting the following:

"(d) COST-REIMBURSABLE AGREEMENT.—

(1) IN GENERAL.—In carrying out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)), the President may enter into a cost-reimbursable agreement with a State, a political subdivision of a State, or an Indian tribe, pursuant to a cost-reimbursable agreement;

(2) by striking subsections (d) and (e) and inserting the following:

"(d) COST-REIMBURSABLE AGREEMENT.—

(1) IN GENERAL.—In carrying out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)), the President may enter into a cost-reimbursable agreement with a State, a political subdivision of a State, or an Indian tribe, pursuant to a cost-reimbursable agreement entered into under this subpart;

(2) by redesignating subsections (f), (h), (i), (j), (k), and (l) as subsections (e), (f), (g), (h), (i), and (j), respectively.

SEC. 5329. OIL SPILL RESPONSE REVIEW.

(a) In general.—Subject to the availability of appropriations, the Commandant shall develop a program—

(1) to increase collection and improve the quality of incident data on oil spill location and response capability by periodically evaluating the data, documentation, and analysis of—

(A) Coast Guard-approved vessel response plans;

(B) oil spill response drills conducted under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7)) that occur within the Marine Transportation System; and

(C) responses to oil spill incidents that require mobilization of contracted response resources;

(2) to update, not less frequently than annually, information contained in the Coast Guard Response Resource Inventory and other Coast Guard tools used to document the availability and status of oil spill response equipment, so as to ensure that such information remains current; and

(3) subject to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”), to make data collected under paragraph (1) available to the public.

(b) Policy.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall issue a policy—

(1) to establish processes to maintain the program under subsection (a) and support Coast Guard oil spill prevention and response operations including by incorporating oil spill incident data from after-action oil spill reports and data ascertained from vessel response plan exercises and audits into—

(A) review and approval process standards and metrics;

(B) Alternative Planning Criteria (APC) review processes;

(C) Area Contingency Planning (ACP) development;

(D) risk assessments developed under section 70001 of title 46, United States Code, including lessons learned from reportable maritime casualties;

(E) mitigating the impact of military personnel rotations in Coast Guard field units on both morale and Coast Guard oil spill response plan requirements, including knowledge relating to the evaluation of proposed alternatives to national planning requirements; and

(F) evaluating the consequences of reporting inaccurate data in vessel response plans submitted to the Commandant pursuant to part 300 of title 40, Code of Federal Regulations, and submitted for storage in the Marine Information for Safety and Law Enforcement database pursuant to section 300.300 of that title (or any successor regulation); and—

(2) to standardize and develop tools, training, and other relevant guidance that may be shared with vessel owners and operators to assist with accurately calculating and measuring the performance and viability of proposed alternatives to national planning criteria requirements and Area Contingency Plan Plans under the jurisdiction of the Coast Guard;

(3) to improve training of Coast Guard personnel to ensure continuity of planning activities under this section, including by identifying ways in which civilian staffing may improve the continuity of operations; and

(4) to increase Federal Government engagement with State, local, and Tribal governments and stakeholders so as to strengthen coordination and efficiency of oil spill responses.

(c) Periodic Updates.—Not less frequently than every 5 years, the Commandant shall update the processes established under subsection (b) to—

(b) by striking relevant analyses—

(1) incident data on oil spill location and response quality;

(2) oil spill risk assessments;

(3) oil spill response effectiveness and the effects of such response on the environment;

(4) oil spill response drills conducted under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7)); and

(5) marine casualties reported to the Coast Guard; and

(6) near miss incidents documented by a Vessel Traffic Service Center (as such terms are defined in section 70001(m) of title 46, United States Code).

(d) Repeal.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, and...
annually thereafter for 5 years, the Com- mander shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the Senate that summarizes a report on the effects of removing limited indemnity provisions from Coast Guard oil spill response contracts entered into by the President (or a delegate) under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)).

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

(1) An assessment of the adequacy of contracts described in that subsection in meeting the needs of the United States to carry out oil spill response and cleanup under the National Contingency Plan (as defined in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)) during the period beginning in 2009 and ending in 2014 with respect to those contracts that included limited indemnity provisions for oil spill response organizations.

(2) A review of the costs incurred by the Coast Guard, the Oil Spill Liability Trust Fund established by section 905(a) of the Internal Revenue Code of 1986, and the Federal Government to cover the indemnity provisions provided to oil spill response organizations during the period described in paragraph (1).

(3) An assessment of the adequacy of contracts described in that subsection in meeting the needs of the United States to carry out oil spill cleanup under the National Contingency Plan and the National Plan for Marine Spill Response (as so defined) that included limited indemnity provisions for oil spill response organizations that were entered into in 2014.

(4) A demonstration of the impact that the removal of limited indemnity provisions described in paragraph (3) has had on the ability of oil spill response organizations to enter into contracts described in that subsection.

(5) An assessment of the ability of the Oil Spill Liability Trust Fund established by section 905(a) of the Internal Revenue Code of 1986, to cover limited indemnity provided to a contractor for liabilities and expenses incidental to the containment or removal of oil and performance of related functions, inclusive of contracts that is substantially identical to the contracts described in subparagraph (A) and the contract entered into by the Coast Guard in the solicitation numbered DTCG89–98–A–6689/F95 and dated November 17, 1998.

SEC. 5331. ADDITIONAL EXCEPTIONS TO REGULATIONS FOR TOWING VESSELS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall request the existing Coast Guard policies with respect to exceptions to the applicability of subchapter M of chapter I of title 46, Code of Federal Regulations (or successor regulations) to the vessels described in this section from the Secretary, the Secretary of the Interior, the Secretary of Homeland Security, the Under Secretary of Commerce for Oceans and Atmosphere, and the Administrator of the National Oceanic and Atmospheric Administration.

(b) OIL SPILL RESPONSE VESSEL.—In the case of an oil spill response vessel, a vessel of opportunity, which the Commander shall determine, enter into a contract that is substantially identical to the contract offered by the Coast Guard in the solicitation numbered DTCG89–98–A–6689/F95 and dated November 17, 1998.

(c) TOWING BOOM.—In the case of an oil spill response vessel, a vessel of opportunity, which the Commander shall determine, enter into a contract for the provision of equipment for towing, including the towing boom for oil spill response, or participating in an oil response exercise; and

(d) FISHING VESSEL.—In the case of a fishing vessel while that vessel is operating in the exclusive economic zone along the Canadian border and out to the furthest extent of the exclusive economic zone along the west coast of the United States.

SEC. 5412. STUDY ON IMPACTS ON SHIPPING AND OTHER COMMERCIAL ACTIVITIES FROM THE DEVELOPMENT OF RENEWABLE ENERGY ON THE CONTINENTAL COAST.

(a) DEFINITIONS.—In this section:

(1) COVERED WATERS.—The term ‘covered waters’ means Federal or State waters off of the west coast of the United States.

(2) EXCLUSIVE ECONOMIC ZONE.—The term ‘exclusive economic zone’ means the area of the United States in the interest of marine safety, security, environmental, and economic concerns, taking into account undersea pipelines, cables, or other infrastructure; and

(2) make the study publicly available.
than August 30, 2023, 98 percent operational availability of remote fixed facility sites.

(2) PLAN TO REDUCE OUTAGES.—

(A) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Commandant shall develop an operations and maintenance plan for the Rescue 21 system in Alaska that anticipates maintenance needs. The Commandant shall establish a system to notify mariners of radio outages for towers that are necessary to implement the plan.

(B) PUBLIC AVAILABILITY.—The plan required by subparagraph (A) shall be made available to the public on a publicly accessible internet website.

(3) REPORT REQUIRED.—Not later than 180 days after the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) contains a plan for the Coast Guard to notify mariners of radio outages for towers owned and operated by the Seventeenth Coast Guard District;

(B) addresses in such plan how the Seventeenth Coast Guard District—

(i) disseminate updates regarding outages on social media not less frequently than every 48 hours;

(ii) provide updates on a publicly accessible website not less frequently than every 48 hours;

(iii) develop methods for notifying mariners in areas in which cellular connectivity does not exist; and

(iv) develop and advertise a web-based communications update hub on AM/FM radio for mariners;

(C) identifies technology gaps necessary to implement the plan and provides a budgetary assessment necessary to implement the plan.

(4) CONTINGENCY PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in collaboration with relevant Federal and State entities (including the North Pacific Fishery Management Council, the National Oceanic and Atmospheric Administration, the National Oceanic and Atmospheric Administration Fisheries Service, agencies of the State of Alaska, local radio stations, and stakeholders), shall establish a contingency plan to ensure that notifications of an outage of the Rescue 21 system in Alaska are broadly disseminated in advance of such outage.

(B) ELEMENTS.—The plan required by subparagraph (A) shall require the Coast Guard to—

(i) disseminate updates regarding outages on social media not less frequently than every 48 hours during an outage;

(ii) provide updates on a publicly accessible website not less frequently than every 48 hours during an outage;

(iii) notify mariners in areas in which cellular connectivity does not exist;

(iv) develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(v) identify technology gaps that need to be addressed in order to implement the plan, and to provide a budgetary assessment necessary to implement the plan.

(5) IMPROVEMENTS IN COMMUNICATION WITH THE FISHING INDUSTRY AND RELATED STAKEHOLDERS.—

(A) IN GENERAL.—The Commandant, in coordination with the National Commercial Fishing Safety Advisory Committee established by section 15102 of title 46, United States Code, shall develop a publicly accessible website that contains all Coast Guard-related information relating to the fishing industry, including safety information, inspection and enforcement requirements, hazards, training, regulations (including proposed regulations), Rescue 21 system outages and similar outages, and any information relating to fishing activities under the jurisdiction of the Coast Guard.

(B) AUTOMATIC COMMUNICATIONS.—The Commandant shall develop a publicly accessible website and automatic email communications with stakeholders who elect, through the internet website developed under paragraph (1), to receive such communications.

(C) ADVANCE NOTIFICATION OF MILITARY OR OTHER EXERCISES.—In consultation with the Secretaries of Defense and Transportation of the United States, the Commandant shall develop and publish on a publicly accessible internet website a list of military or other exercises in a manner that is consistent with applicable Federal law.

(SECTION 5352. FISHING SAFETY TRAINING GRANTS PROGRAM.)

Section 5062(b)(5) of title 46, United States Code, is amended by striking "2018 through 2021" and inserting "2023 through 2025".

(SECTION 5354. LOAD LINES.)

(A) DEFINITION OF COVERED FISHING VESSELS.—In this section, the term "covered fishing vessel" means a vessel that operates exclusively in one, or both, of the Thirteenth and Seventeenth Coast Guard Districts and that—

(1) was constructed, under construction, or under construction as a fish tender vessel before January 1, 1980;

(2) was converted for use as a fish tender vessel before January 1, 2022, and—

(A) the vessel has a current stability letter issued in accordance with regulations prescribed under chapter 51 of title 46, United States Code; and

(B) the hull and internal structure of the vessel has been verified as suitable for intended service as examined by a marine surveyor of an organization accepted by the Secretary; and

(3) operates part-time as a fish tender vessel for a period of less than 180 days.

(B) APPLICATION TO CERTAIN VESSELS.—During the period beginning on the date of enactment of this Act and ending on the date that is 3 years after the date on which the report required under subsection (c) is submitted, the load line requirements under chapter 51 of title 46, United States Code, shall not apply to covered fishing vessels.

(C) CAO REPORT.—In the case of not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) a report on the safety and seaworthiness of vessels referenced in section 5102(b)(5) of title 46, United States Code; and

(B) recommendations for exempting certain vessels referenced in such requirements under chapter 51 of title 46 of such Code.

(SECTION 5355. ACTIONS BY NATIONAL MARINE FISHERIES SERVICE TO INCREASE ENERGY PRODUCTION.)

(A) IN GENERAL.—The National Marine Fisheries Service shall, immediately upon the enactment of this Act, take action to address the outstanding backlog of letters of authorization consistent with the Service's permitting activities; and

(B) SENSE OF CONGRESS.—It is the sense of Congress that the National Marine Fisheries Service should—

(1) take immediate action to issue a rule that allows the Service to approve outstanding and future applications for letters of authorization consistent with the Service's permitting activities; and

(2) on or after the effective date of the rule, prioritize the consideration of applications in a manner that is consistent with applicable Federal law.

Subtitle E—Illegal Fishing and Forced Labor Prevention

(SECTION 5361. DEFINITIONS.)

In this subtitle:

(1) FORCED LABOR.—The term "forced labor" means any labor or service provided for or obtained by any means described in section 1589(a) of title 18, United States Code.

(2) HUMAN TRAFFICKING.—The term "human trafficking" has the meaning given the term "severe forms of trafficking in persons" in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(3) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The term "illegal, unreported, or unregulated fishing" means any fishing, given such term in the implementing regulations or any subsequent regulations issued pursuant to section 609(e) of the High Seas Fishing Moratorium Protection Act (16 U.S.C. 1820(e)).

(4) OPPRESSIVE CHILD LABOR.—The term "oppressive child labor" has the meaning given the term "oppressive child labor" in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(5) SEAFOOD.—The term "seafood" means all marine animal and plant life meant for consumption as food other than marine mammals and birds, including fish, shellfish, shelfish products, and processed fish.

(6) SEAFOOD IMPORT MONITORING PROGRAM.—The term "Seafood Import Monitoring Program" means the Seafood Traceability Program established in subpart Q of part 300
of title 50, Code of Federal Regulations (or any successor regulation).

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

CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

SEC. 5362. ENHANCEMENT OF SEAFOOD IMPORT MONITORING PROGRAM AUTO-MATED COMMERCIAL ENVIRONMENT.

The Secretary, in coordination with the Commissioner of U.S. Customs and Border Protection, shall, not later than 6 months after the enactment of this Act, develop a strategy to improve and verify the accuracy of already collected Seafood Import Monitoring Program Message data elements in the Automated Commercial Environment system. Such strategy shall prioritize the use of enumerated data types, such as checkboxes, dropdown menus, or radio buttons, and any additional elements that the Administrator of the National Oceanic and Atmospheric Administration finds appropriate.

SEC. 5364. IMPORT AUDITS.

(a) Audit Procedures.—The Secretary shall, not later than 1 year after the date of enactment of this Act, implement procedures to audit information and supporting records of sufficient numbers of imports of seafood products covered by the Seafood Import Monitoring Program to support statistically robust conclusions that the samples audited are representative of all seafood imports covered by the Seafood Import Monitoring Program with respect to Northern red snapper under the Seafood Import Monitoring Program, the Secretary may not allow an aggregated harvest report of such species, regardless of vessel size.

(b) Expansion of Marine Forensics Laboratory.—(1) The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the Laboratory of the National Oceanic and Atmospheric Administration’s Marine Forensics Laboratory, including by establishing sufficient capacity for the development and deployment of rapid, and follow-up, analysis of field-based tests focused on identifying Seafood Import Monitoring Program species, and prioritizing such species at high risk of illegal, unreported, or unregulated fishing and seafood fraud.

(c) Annual Revision.—In developing the procedures required in subsection (a), the Secretary shall conduct predictive and retrospective analyses to inform whether to revise such procedures to prioritize for audit those imports originating from nations:

(1) which are included pursuant to section 609(a) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826h(a) or 1826k(a) that have not yet received a subsequent positive certification pursuant to section 609(d) or 610(c) of such Act, respectively;

(2) identified by an appropriate regional fishery management organization as being associated with the flag state or landing location of vessels identified by other nations or regional fisheries management organizations as engaging in illegal, unreported, and unregulated fishing;

(3) identified as having human trafficking or forced labor in any part of the seafood supply chain, including on vessels flagged in such nation or nation’s vessel fishing operations, in the most recent Trafficking in Persons Report issued by the Department of State in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(4) identified as having producing goods that contain seafood using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

and

(5) identified as at risk for human trafficking, including forced labor, in their seafood catching and processing industries by the report to Congress to carry out section 107 of the Maritime SAFE Act (Public Law 116–92).

(b) Prohibition on Aggregated Catch Data for Certain Species.—Beginning not later than 1 year after the date of enactment of this Act, for the purposes of inspecting such vessel, conducting an enforcement action, or conducting an investigation in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), the enforcement agencies shall not aggregate catch data for any species or vessel that is listed as subject to the Seafood Import Monitoring Program.

(c) Annual Revision.—The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration’s Marine Forensics Laboratory, shall, not later than 6 months after the date of enactment of this Act, implement procedures required in subsection (a), the Secretary may not allow an aggregated harvest report of such species, regardless of vessel size.

(d) Expansion of Marine Forensics Laboratory.—(1) The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the Laboratory of the National Oceanic and Atmospheric Administration’s Marine Forensics Laboratory, including by establishing sufficient capacity for the development and deployment of rapid, and follow-up, analysis of field-based tests focused on identifying Seafood Import Monitoring Program species, and prioritizing such species at high risk of illegal, unreported, or unregulated fishing and seafood fraud.

SEC. 5366. REPORT ON SEAFOOD IMPORT MONITORING PROGRAM.

(a) Report to Committees.—(1) The Secretary shall, not later than 180 days after the date of enactment of this Act, submit a report to the Committee on Natural Resources and the Committee on Finance of the Senate and the Committee on Financial Services of the House of Representatives a report that summarizes the National Marine Fisheries Service’s efforts to prevent the importation of seafood harvested through illegal, unreported, or unregulated fishing, particularly with respect to seafood harvested, produced, processed, or manufactured by force or labor that has been listed pursuant to section 609(b) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826a(a) or 1826k(a)), or fishing vessels of a nation that has been listed pursuant to section 609(b) or section 610(a) of such Act (16 U.S.C. 1826(b)) or 1826k(a) in 2 or more consecutive reports, as described under section 607 of such Act (16 U.S.C. 1826h), until a positive certification has been received.

(b) Report on Enforcement Action.—(1) The Secretary shall, not later than 120 days after each fiscal year, submit a report to the Committees on Appropriations, in the most recent Trafficking in Persons Report issued by the Department of State in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), and

(2) by inserting after paragraph (3) the following:

‘‘(4) the number and types of instances of violations of State or Federal law discovered and (5) the number and types of instances.’’

(c) Analysis of Specific Types of Violations.—The Secretary shall consider the following:

(1) the number and types of instances of violations of State or Federal law discovered

SEC. 5370. DENIAL OF PORT PRIVILEGES.

Section 101(a)(2) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a)(2)) is amended to read as follows:

(2) DENIAL OF PORT PRIVILEGES.—The Secretary of Homeland Security shall—

(A) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for any large-scale driftnet fishing vessel of a nation that receives a negative certification under section 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d) or 1826k(c), or fishing vessels of a nation that has been listed pursuant to section 609(b) or section 610(a) of such Act (16 U.S.C. 1826(b) or 1826k(a)) in 2 or more consecutive reports, as described under section 607 of such Act (16 U.S.C. 1826h), until a positive certification has been received;

(B) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for fishing vessels of a nation that has been listed pursuant to section 609(a) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826(a) or 1826k(a)) in 2 or more consecutive reports as described under section 607 of such Act (16 U.S.C. 1826h); and

(C) deny entry of that vessel to any place in the United States and to the navigable waters of the United States, except for the purposes of inspection or conducting an investigation, or taking other appropriate enforcement action.”

SEC. 5371. IDENTIFICATION AND CERTIFICATION CRITERIA.

(a) Denial of Port Privileges.—Section 609(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

‘‘(2) FOR ACTIONS OF A NATION.—The Secretary shall identify, and list in such report, a nation engaging in or endorsing illegal, unreported, or unregulated fishing by identifying the nations to which list such nation in such report, the Secretary shall consider the following:

SEC. 5367. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection to carry out section 105 of the Tariff Act of 1930 (19 U.S.C. 1307) $20,000,000 for each of fiscal years 2023 through 2027.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

SEC. 5372. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection to carry out section 105 of the Tariff Act of 1930 (19 U.S.C. 1307) $20,000,000 for each of fiscal years 2023 through 2027.
“(A) Any nation that is violating, or has violated at any point during the 3 years preceding the date of the determination, conservation and management measures, including data reporting obligations and requirements, required under an international fishery management agreement to which the United States is a party.

(B) Any nation that is failing or has failed in the 3-year period preceding the date of the determination, to effectively address or regulate illegal, unreported, or unregulated fishing within its exclusive economic zone or in fishing activities on the high seas or within the exclusive economic zone of another nation, under a treaty or agreement to which the United States is a party.

(C) Any nation that has failed to reduce such bycatch that is comparable in high seas or within the exclusive economic zone of another nation, to target or incidentally catch sharks; and

(D) Any nation that has failed to reduce such bycatch that is comparable in high seas or within the exclusive economic zone of another nation, to target or incidentally catch sharks, including measures to prohibit removal of any of the fins of a shark, including the tail, before landing the shark in port, that is comparable to that of the United States.

(2) TIMING.—The Secretary shall make an identification under paragraph (1) at any time that the Secretary has sufficient information to make such identification.

(b) Consultation and Negotiation.—Section 610(b) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(b)) is amended to read as follows:

“(b) Consultation and Negotiation.—The Secretary of State, acting in consultation with the Secretary, shall—

(1) notify, as soon as practicable, the President and nations that are engaged in, or that have any fishing vessels engaged in, fishing activities or practices described in subsection (a), about the provisions of this Act;

(2) initiate discussions as soon as practicable with all foreign nations that are engaged in, or have any fishing vessels engaged in, fishing activities described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such nations to protect such species and to address any underlying failings or gaps that may have contributed to identification under this Act; and

(3) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.”

(c) Conservation Certification Procedure.—Section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(c)) is amended—

(1) in paragraph (2), by inserting “the public and” after “comment by”; and

(2) in paragraph (3), by striking “except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing”.

(d) Definition of Protected Living Marine Resource.—Section 610(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(e)) is amended by striking paragraph (1) and inserting the following:

“(1) except as provided in paragraph (2), means nontarget fish, sea turtles, or marine mammals that are protected under United States law or international agreement, including—


SEC. 5373. Capacity Building in Foreign Fisheries.

(a) In General.—The Secretary of Commerce, in consultation with the heads of the United States agencies as appropriate, shall develop and carry out with partner governments and civil society—

(1) multi-year coastal and marine resource related international cooperation agreements and projects; and

(2) multi-year capacity-building projects for implementing measures to address illegal, unreported, unregulated fishing, fraud, forced labor, bycatch, and other conservation measures.

(b) Capacity Building.—Section 5354(d) of the Maritime SAFE Act (16 U.S.C. 8013(d)) is amended—

(1) in the matter preceding paragraph (1), by striking “as appropriate,” and

(2) in paragraph (3), by striking “as appropriate” and inserting “for all priority area partners.”

SEC. 5374. Training of United States Observers.

Section 409(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881b(b)) is amended—

(1) in paragraph (3), by striking “and” after the semicolon; and

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (5) the following:

“(4) ensure that each observer has received training to identify indicators of forced labor (as defined in section 5361 of the Coast Guard Authorization Act of 2022) and human trafficking (as defined in section 5361 of the Coast Guard Authorization Act of 2022) and refer this information to appropriate authorities; and

SEC. 5375. Regulations.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as may be necessary to carry out this title.

SEC. 5376. Use of Devices Broadcasting on AIS for Purposes of Marking Fishing Gear.

The Secretary of the department in which the Coast Guard is operating shall, within the Eleventh Coast Guard District, Thirteenth Coast Guard District, Fourteenth Coast Guard District, and Seventeenth Coast Guard District, suspend enforcement of individuals using automatic identification system devices to mark fishing gear during the period beginning on the date of enactment of this Act and ending on the earlier of—

(1) the date that is 2 years after such date of enactment; and

(2) the date the Federal Communications Commission promulgates a final rule to authorize a device to mark fishing equipment to operate in radio frequencies assigned for Automatic Identification System stations.

TITLE V—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

SEC. 5401. COAST GUARD CHILD CARE IMPROVEMENTS.

(a) Family Discount for Child Development Services.—Section 2922(b)(2) of title 14, United States Code, is amended by adding at the end the following:

“(D) In the case of an active duty member with two or more children attending a Coast Guard child development center, the Commander may modify the fees to be charged for attendance for the second and any subsequent child of such member by an amount...
that is 15 percent less than the amount of the fee otherwise chargeable for the attendance of the first such child enrolled at the center, or another fee as the Commandant determines appropriate, consistent with multiple children.

(2) THE DEVELOPMENT CENTER STANDARDS AND INSPECTIONS.—Section 2923(a) of title 14, United States Code, is amended to read as follows:

“(a) STANDARDS.—The Commandant shall require each Coast Guard child development center to meet standards of operation

“(1) that the Commandant considers appropriate to ensure the health, safety, and welfare of the children and employees at the center;

“(2) necessary for accreditation by an appropriate national early childhood programs accrediting entity.

(3) Child Care Subsidy Program.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—Subchapter II of chapter 29 of title 14, United States Code, is amended by adding at the end the following:

"§ 2927. Child care subsidy program

"(a) AUTHORITY.—The Commandant may operate a child care subsidy program to provide financial assistance to eligible providers that provide child care services or youth program services to members of the Coast Guard, members of the Coast Guard with dependents who are participating in the child care program, and any other individual the Commandant considers appropriate, if—

"(1) providing such financial assistance—

"(A) is in the best interests of the Coast Guard; and

"(B) enables supplementation or expansion of the provision of Coast Guard child care services while not supplanting or replacing Coast Guard child care services; and

"(2) the Commandant ensures, to the extent practicable, that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards applicable to Coast Guard child care services.

"(b) IN GENERAL.—A provider of child care services or youth program services is eligible for financial assistance under this section if the provider—

"(1) provides such services under applicable State and local law;

"(2) is registered in an au pair program of the Department of State;

"(3) is a family home daycare; or

"(4) is a provider of family child care services that—

"(A) otherwise provides federally funded or federally sponsored child development services;

"(B) provides such services in a child development center owned and operated by a private, not-for-profit organization;

"(C) provides a before-school or after-school child care program in a public school facility;

"(D) conducts an otherwise federally funded or federally sponsored school-age child care or youth services program;

"(E) conducts a school-age child care or youth services program operated by a not-for-profit organization;

"(F) provides in-home child care, such as a nanny or an au pair; or

"(G) is a provider of another category of child care services or youth program services the Commandant considers appropriate for meeting the needs of members or civilian employees of the Coast Guard.

"(c) AUTHORIZATION.—There are authorized to be appropriated such sums as necessary to carry out this section.

"(d) STATISTICAL REPORT.—

"(1) IN GENERAL.—In carrying out a child care subsidy program under subsection (a), subject to paragraph (3), the Commandant shall provide financial assistance under the program to an eligible member or individual the Commandant considers appropriate by direct payment to the provider of the member or individual through monthly pay, direct deposit, or other direct form of payment.

"(2) POLICY.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a policy to provide direct payment as described in paragraph (1).

"(3) ELIGIBLE PROVIDER FUNDING CONTINUATION.—With the approval of an eligible member or an individual the Commandant considers appropriate, which shall include the written consent of such member or individual, the Commandant may continue to provide financial assistance under the child care subsidy program directly to an eligible provider on behalf of such member or individual.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any preexisting reimbursement arrangement between the Coast Guard and a qualified provider: .

"(b) CLERICAL AMENDMENT.—The analysis for chapter 29 of title 14, United States Code, is amended by inserting after the item relating to section 2926 the following:

"§ 2927. Child care subsidy program.

"(2) EXPANSION OF CHILD CARE SUBSIDY PROGRAM.—

(A) IN GENERAL.—The Commandant shall—

"(i) evaluate potential eligible uses for the child care subsidy program established under section 2927 of title 14, United States Code (referred to in this paragraph as the "program"); and

"(ii) expand the eligible uses of funds for the program to accommodate the child care needs of members of the Coast Guard (including such members with nonstandard work hours or other employment cycles), including by providing funds directly to such members instead of care providers.

(B) CONSIDERATIONS.—In evaluating potential eligible uses under subparagraph (A), the Commandant shall consider—

"(i) the needs of members and other individuals;

"(ii) the feasibility, effectiveness, and cost of expanding the program to accommodate such needs;

"(iii) the extent to which the program could be expanded within the resources and in the best interests of dependents of such members and civilians employed by the Coast Guard; and

"(iv) the extent to which the program could be expanded at a rate that is consistent with the resources of the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the development of the regulations required by subsection (a).

"(c) E LEMENTS.—Each report and briefing required by subsection (a) shall include the following:

"(1) A description of methods to educate members and retirees on the combat-related special compensation program.

"(2) A description of the considerations described in subparagraph (B).
SEC. 5421. DEVELOPMENT OF MEDICAL STAFFING STANDARDS FOR THE COAST GUARD.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Commandant, in consultation with the Defense Health Agency and any healthcare expert the Commandant considers appropriate, shall develop a strategic plan for improving access to high-quality, affordable food; and

(iii) a medical representative from each Coast Guard medical center.

(b) Elements.—The plan shall include recommendations or legislative proposals for:

(1) To improve access to high-quality, affordable food within a reasonable distance of Coast Guard units located in areas identified as food deserts;

(2) To develop strategies to address the needs of members of the Coast Guard and their dependents who are deployed or stationed in remote areas, including high-density populations and rural areas;

(3) To establish a review committee to conduct a comprehensive analysis of the Coast Guard healthcare system (referred to in this section as the ‘‘Review Committee’’).

(2) Membership.—The Commandant shall establish a review committee to conduct a comprehensive analysis of the Coast Guard healthcare system (referred to in this section as the ‘‘Review Committee’’).

(a) Composition.—The Review Committee shall be composed of members selected by the Commandant, including:

(i) 1 or more members of the uniformed services (as defined in section 101 of title 10, United States Code) or Federal employees with expertise in:

(1) To maximize the medical readiness of members of the Coast Guard;

(2) To optimize delivery of healthcare benefits;

(3) To ensure high-quality training of Coast Guard medical personnel;

(4) To prepare for the future needs of the Coast Guard;

(5) To develop a strategic plan for improving access to high-quality, timely healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.

(b) Plan.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the standards developed under subsection (a) that includes a plan and a description of the resources and budgetary needs required to implement the standards.

(c) Implementation, and Periodic Updates.—The Commandant shall:

(1) modify such standards as necessary based on the recommendations provided under subsection (c);

(2) review and update the standards not less frequently than every 4 years.

SEC. 5422. HEALTHCARE SYSTEM REVIEW AND STRATEGIC PLAN.

(a) In General.—Not later than 270 days after the completion of the studies conducted by the Comptroller General of the United States under sections 8259 and 8260 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 4679), the Commandant shall:

(1) conduct a comprehensive review of the Coast Guard healthcare system; and

(2) develop a strategic plan for improvements to, and modernization of, such system to ensure access to high-quality, timely healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.

(b) Plan.—(1) In general.—The strategic plan developed under subsection (a) shall seek—

(A) to maximize the medical readiness of members of the Coast Guard;

(B) to optimize delivery of healthcare benefits;

(C) to ensure high-quality training of Coast Guard medical personnel;

(D) to prepare for the future needs of the Coast Guard;

(E) to establish a review committee to conduct a comprehensive analysis of the Coast Guard healthcare system (referred to in this section as the ‘‘Review Committee’’).

(2) Elements.—The plan shall address, at a minimum, the following:

(A) Improving access to healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.

(B) Quality of care.

(C) The experience and satisfaction of members of the Coast Guard and their dependents with the Coast Guard healthcare system.

(D) The readiness of members of the Coast Guard and Coast Guard medical personnel.

(e) Review Committee.—The Commandant shall establish a review committee to conduct a comprehensive analysis of the Coast Guard healthcare system (referred to in this section as the ‘‘Review Committee’’).

(f) Staff.—The Review Committee shall be staffed by employees of the Coast Guard.
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(5) REPORT TO COMMANDANT.—Not later than 1 year after the Review Committee is established, the Review Committee shall submit to the Commandant a report that—

(a) identifies methods to collect data on access to care for—

(A) routine annual physical health assessments;

(B) flight physicals for aviators and prospective aviators;

(C) sick call;

(D) injuries;

(E) mental health; and

(F) behavioral health conditions.

(b) Collection of data on access to care for referrals.

(c) Collection of data on access to care for members of the Coast Guard stationed at remote units, aboard Coast Guard cutters, and on deployments.

(d) Use of the electronic health record system to improve data collection on access to care.

(e) Use of data for addressing the standards of care, including time between requests for appointments and actual appointments, including appointments made with referral services.

(f) Review by Comptroller General.—

(1) Submission.—Not later than 15 days after the policy is developed under subsection (a), the Commandant shall submit the policy to the Comptroller General of the United States.

(2) Review.—Not later than 180 days after receiving the policy, the Comptroller General shall examine the policy and provide recommendations to the Commandant.

(3) Modification.—Not later than 60 days after receiving the recommendations of the Comptroller General, the Commandant shall modify the policy as necessary based on such recommendations.

(g) Publication and Report to Congress.—Not later than 90 days after the policy is modified under subsection (c)(3), the Commandant shall—

(1) publish the policy on a publicly accessible internet website of the Coast Guard; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) the strategic plan for the Coast Guard medical system required by subsection (a);

(B) the report of the Review Committee submitted to the Commandant under subsection (c)(5); and

(C) a description of the manner in which the Commandant plans to implement the recommendations of the Review Committee.

SEC. 5423. DATA COLLECTION AND ACCESS TO CARE.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in consultation with the Department of Defense and any healthcare expert the Commandant considers appropriate, shall develop a policy to require the collection of data regarding access by members of the Coast Guard and their dependents to medical, dental, and behavioral health care as required by the Comptroller General of the United States. In the report entitled “Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care” published by the Comptroller General, the policy required by subsection (a) shall address the following:

(1) Methods to collect data on access to care for—

(A) routine annual physical health assessments;

(B) flight physicals for aviators and prospective aviators;

(C) sick call;

(D) injuries;

(E) mental health; and

(F) behavioral health conditions.

(2) Collection of data on access to care for referrals.

(3) Collection of data on access to care for members of the Coast Guard stationed at remote units, aboard Coast Guard cutters, and on deployments.

(4) Use of the electronic health record system to improve data collection on access to care.

(5) Use of data for addressing the standards of care, including time between requests for appointments and actual appointments, including appointments made with referral services.

(b) Review by Comptroller General.—

(1) Submission.—Not later than 15 days after the policy is developed under subsection (a), the Commandant shall submit the policy to the Comptroller General of the United States.

(2) Review.—Not later than 180 days after receiving the policy, the Comptroller General shall examine the policy and provide recommendations to the Commandant.

(3) Modification.—Not later than 60 days after receiving the recommendations of the Comptroller General, the Commandant shall modify the policy as necessary based on such recommendations.

(c) Publication and Report to Congress.—Not later than 90 days after the policy is modified under subsection (c)(3), the Commandant shall—

(1) publish the policy on a publicly accessible internet website of the Coast Guard; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) the strategic plan for the Coast Guard medical system required by subsection (a);

(B) the report of the Review Committee submitted to the Commandant under subsection (c)(5); and

(C) a description of the manner in which the Commandant plans to implement the recommendations of the Review Committee.

SEC. 5424. BEHAVIORAL HEALTH POLICY.

(a) Sense of Congress.—It is the sense of Congress that—

(1) members of the Coast Guard—

(A) are exposed to high-risk and often stressful duties; and

(B) should be encouraged to seek appropriate medical treatment and professional guidance; and

(2) after treatment for behavioral health conditions, many members of the Coast Guard should be allowed to resume service in the Coast Guard if they—

(A) are able to do so without persistent duty modifications; and

(B) do not pose a risk to themselves or other members of the Coast Guard.

(b) Interim Behavioral Health Policy.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish an interim behavioral health policy for members of the Coast Guard that is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, “Medical Standards for Military Service: Retention”.

(2) Termination.—The interim policy established under paragraph (1) shall remain in effect until the date on which the Commandant issues a permanent behavioral health policy for members of the Coast Guard.

(c) Permanent Policy.—In developing a permanent policy with respect to retention and behavioral health, the Commandant shall ensure that, to the extent practicable, the policy of the Coast Guard is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, “Medical Standards for Military Service: Retention”.

SEC. 5425. MEMBERS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) Medical Examination Required.—(1) The Secretary shall ensure that a member of the Coast Guard who has performed Coast Guard operations or has been sexually assaulted during the preceding 2-year period, and who is diagnosed by an appropriate licensed or certified healthcare professional as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise alleges, based on the service of the member on such operations or on such sexual assault, the influence of such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

(2) A member described in paragraph (1) shall not be administratively separated under conditions other than honorable, including administrative separation in lieu of court-martial, until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating reviewing, and determining the case, as determined by the Secretary.

(3)(A) In a case involving post-traumatic stress disorder, the medical examination shall be—

(i) performed by—

(I) a board-certified or board-eligible psychiatrist; or

(II) a licensed doctorate-level psychologist; or

(ii) performed under the close supervision of—

(I) a board-certified or board-eligible psychiatrist; or

(II) a licensed doctorate-level psychologist;

(b) Periodic Updates.—In cases involving traumatic brain injury, the medical examination shall be performed by a psychiatrist, psychologist, neurosurgeon, or neurologist.

(c) Purpose of Medical Examination.—The medical examination required by subsection (a) shall assess whether the effects of mental or neurocognitive disorders, including post-traumatic stress and traumatic brain injury, constitute matters in extremity that relate to the basis for administrative separation under conditions other than honorable or the overall characteriza-

(d) Inapplicability to Proceedings Under Uniform Code of Military Justice.—The medical examination and procedures required by this section do not apply to courts- martial or other proceedings conducted pursuant to the Uniform Code of Military Justice.

(e) Coast Guard Operations Defined.—In this section, the term “Coast Guard operations” means the term in section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)).
SEC. 5426. IMPROVEMENTS TO THE PHYSICAL DISABILITY EVALUATION SYSTEM AND TRANSITION PROGRAM.

(a) TEMPORARY POLICY.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall develop a temporary policy that—

(1) improves timeliness, communication, and coordination of any members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;

(2) awards maximum career transition benefits to members of the Coast Guard determined by a Medical Evaluation Board to be unfit for retention in the Coast Guard; and

(a) a medical evaluation by a Medical Evaluation Board that is not completed within 120 days after the date on which an evaluation by the Medical Evaluation Board was initiated, for a member to enter permisive duty status;

(3) a requirement that the date of initiation of an evaluation by a Medical Evaluation Board not be provided to such a member with necessary medical appointments or other activities relating to the Physical Disability Evaluation System, including completion of any application of the Department of Veterans Affairs and career transition planning.

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

(1) if any member of the Coast Guard who is undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be placed in a duty status that includes the member's opportunity to attend necessary medical appointments and other activities relating to the Physical Disability Evaluation System, including completion of any application of the Department of Veterans Affairs and career transition planning.

(2) In the case of a Medical Evaluation Board report that is not completed within 120 days after the date on which an evaluation by the Medical Evaluation Board was initiated, for such a member to enter permisive duty status;

(3) A requirement that the date of initiation of an evaluation by a Medical Evaluation Board not be provided to such a member with necessary medical appointments or other activities relating to the Physical Disability Evaluation System, including completion of any application of the Department of Veterans Affairs and career transition planning.

(4) An option for such member to seek an informal process that—

(a) affords maximum career transition benefits to members of the Coast Guard determined by a Medical Evaluation Board to be unfit for retention in the Coast Guard; and

(b) includes completion of any application of the Department of Veterans Affairs and career transition planning.

(5) A requirement that not less than 21 days prior to the initiation of a Medical Evaluation Board report that finds the member unfit to continue active duty.

(6) A requirement that the Coast Guard shall provide such a member with a written separation date upon the completion of a Medical Evaluation Board report that finds the member unfit to continue active duty.

(7) To provide certainty to such a member with respect to Coast Guard delays through the completion of the Physical Disability Evaluation System, including—

(A) that accountability measures are in place with respect to Coast Guard delays through the completion of the Physical Disability Evaluation System, including—

(i) placement of the member in an excess leave status after 270 days have elapsed since the date of the initiation of an evaluation by a Medical Evaluation Board by any competent authority; and

(ii) a calculation of the costs to retain the member on active duty, including the pay, allowances, and other associated benefits of the member, for the period beginning on the date that is 90 days after the date of initiation of an evaluation by a Medical Evaluation Board by any competent authority and ending on the date on which the member is separated by the informal process; and

(B) the availability of administrative solutions to any such delay.

(8) With respect to a member of the Coast Guard on temporary limited duty status, an option to remain in the member's current billet, to the maximum extent practicable, or to be transferred to a different active-duty billet with the least negative impact on the member's career trajectory.

(9) A requirement that each respective command shall report to the Commandant for each of fiscal years 2023 and 2024 to carry out this section.

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

(A) a member of the Coast Guard shall be allowed to make a request for a reasonable delay in the Physical Disability Evaluation System to obtain an additional independent medical consultation from a medical or legal professional; and

B) any such request for delay shall be approved by the Commandant based on a showing of good cause by the member.

(c) REPORT ON TEMPORARY POLICY.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that is not completed within 120 days after the date on which an evaluation by the Medical Evaluation Board was initiated, for such a member to enter permisive duty status.

(d) PERMANENT POLICY.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall publish a Commandant Instruction making the policy developed under subsection (a) a permanent policy of the Coast Guard.

(e) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide a briefing to the Committees on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure of the House of Representatives a briefing on, and a copy of, the permanent policy.

(f) ANNUAL REPORT ON COSTS.—(1) IN GENERAL.—Not less frequently than annually, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the service-wide costs described in subsection (b)(7)(A)(i) for members of the Coast Guard whose Physical Disability Evaluation System process has exceeded 90 days.

(2) includes for each such member—

(ii) the number of days that elapsed between the initiation and completion of the Physical Disability Evaluation System process.

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 4010(c) of title 14, United States Code, as amended by section 101 of this Act, $2,000,000 shall be made available to the Commandant for each of fiscal years 2023 and 2024 to carry out this section.

SEC. 5427. EXPANSION OF ACCESS TO COUNSELING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall ensure that at least 33 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral health specialties that support members of the Coast Guard with needs for perinatal mental health care and counseling services for miscarriage, child loss, and posttraumatic depression.

(b) REQUIREMENT.—Through the hiring process required by subsection (a), the Commandant shall ensure that at least 33 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral health specialties that support members of the Coast Guard with needs for perinatal mental health care and counseling services for miscarriage, child loss, and posttraumatic depression.

(c) ACCESSIBILITY.—The support provided by the behavioral health specialists described in subsection (a) may include—

(1) include care delivered via telemedicine; and

(2) shall be made widely available to members of the Coast Guard.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 4902(b)(1) of title 14, United States Code, is amended by striking “590” and inserting “385”.

SEC. 5428. PROMOTION OF POSTGRADUATE OPPORTUNITIES FOR MEMBERS OF THE COAST GUARD IN MEDICAL AND RELATED FIELDS.

(a) IN GENERAL.—The Commandant shall expand opportunities for members of the Coast Guard to secure postgraduate degrees in professional disciplines for the purpose of supporting Coast Guard clinics and operations.

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

(1) An assessment of—

(A) the current capabilities and limitations of the Coast Guard telemedicine program;

(B) the degree of integration of such program with existing electronic health records; and

(C) the capability and accessibility of such program, including as compared to the capability and accessibility of the telemedicine programs of the Department of Defense and commercial medical providers;

(2) the manner in which the Coast Guard telemedicine program may be expanded to provide better clinical and behavioral medical services to members of the Coast Guard, including such members stationed at remote units or onboard Coast Guard cutters at sea; and

(3) A description of the resources necessary to expand such program to its full capability.

(b) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall...
submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 5430. STUDY ON COAST GUARD MEDICAL FACILITIES NEEDS.

(a) In General.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on Coast Guard medical facilities needs.

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

(1) A current list of Coast Guard medical facilities, including clinics, sickbays, and shipboard facilities.

(2) A summary of capital needs for Coast Guard medical facilities, including construction and maintenance.

(3) A summary of equipment upgrade backlogs of Coast Guard medical facilities.

(4) An assessment of improvements to Coast Guard medical facilities, including improvements to IT infrastructure, required to enable the Coast Guard to fully use telemedicine and implement other modernization initiatives.

(5) An evaluation of the process used by the Coast Guard to identify, monitor, and construct Coast Guard medical facilities.

(g) DEFINITIONS.—In this section, the term ‘‘Coast Guard medical facilities’’ means Coast Guard shipboard facilities.

(2) P RIVATIZED MILITARY HOUSING.—The term ‘‘privatized military housing’’ means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) U NSAFE OR UNHEALTHY HOUSING UNIT.—The term ‘‘unsafe or unhealthy housing unit’’ means a unit of privatized military housing in which, at least one of the following hazards:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including the following:

(i) Ease of access by unlawful intruders.

(ii) Lighting issues.

(iii) Poor ventilation.

(iv) Safety hazards.

(v) Other hazards similar to the hazards specified in clauses (i) through (iv).

SEC. 5443. STUDY ON COAST GUARD HOUSING AUTHORIZED AND PRIVATIZED HOUSING.

(a) STUDY.—In general.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study—

(1) to assess the housing needs of members of the Coast Guard and their families in coastal and other areas in which the Coast Guard is stationed; and

(2) develop a strategy to enable the Coast Guard to improve the quality of life for members of the Coast Guard and their families in those areas.

(b) REPORT.—In general.—Not later than 360 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

(c) DEFINITIONS.—In this section—

(1) A PPROPRIATE COMMITTEES OF CONGRESS.—The term ‘‘appropriate committees of Congress’’ means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) PRIVATIZED MILITARY HOUSING.—The term ‘‘privatized military housing’’ means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) U NSAFE OR UNHEALTHY HOUSING UNIT.—The term ‘‘unsafe or unhealthy housing unit’’ means a unit of privatized military housing in which, at least one of the following hazards:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including the following:

(i) Ease of access by unlawful intruders.

(ii) Lighting issues.

(iii) Poor ventilation.

(iv) Safety hazards.

(v) Other hazards similar to the hazards specified in clauses (i) through (iv).

SEC. 5444. STUDY ON COAST GUARD HOUSING QUALITY OF LIFE AT REMOTE UNITS.

(a) STUDY.—In general.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall conduct a study to determine the extent to which members of the Coast Guard face challenges specific to remote locations.

(b) REPORT.—Not later than 360 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the audit.

(c) DEFINITIONS.—In this section—

(1) A PPROPRIATE COMMITTEES OF CONGRESS.—The term ‘‘appropriate committees of Congress’’ means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) PRIVATIZED MILITARY HOUSING.—The term ‘‘privatized military housing’’ means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) U NSAFE OR UNHEALTHY HOUSING UNIT.—The term ‘‘unsafe or unhealthy housing unit’’ means a unit of privatized military housing in which, at least one of the following hazards:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including the following:

(i) Ease of access by unlawful intruders.

(ii) Lighting issues.

(iii) Poor ventilation.

(iv) Safety hazards.

(v) Other hazards similar to the hazards specified in clauses (i) through (iv).
privately owned housing, and any other housing option the Comptroller General identifies.

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

(A) A review of authorities, regulations, and policies available to the Secretary of the Department in which the Coast Guard is operating in this section that the Department (‘‘Secretary’’) with respect to construction, maintenance, and operation of housing for members of the Coast Guard and their dependents, including a determination of whether the Department has an appropriate emergency supply plan for Coast Guard units;

(i) housing that is owned and operated by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and operate privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.

(B) A review of the housing-related authorities, regulations, and policies available to the Secretary of Defense, and an identification of the differences between such authorities afforded to the Secretary of Defense and the housing-related authorities, regulations, and policies afforded to the Secretary.

(C) A description of lessons learned or recommendations for the Coast Guard based on the use by the Department of Defense of private housing; including the recommendations set forth in the report of the Government Accountability Office entitled ‘‘Privatized Military Housing: Update on DOD’s Efforts to Address Oversight Challenges’’ (GAO–22–105866), issued in March 2022.

(D) An assessment of the extent to which the Secretary has used the authorities provided in subchapter IV of chapter 169 of title 10, United States Code.

(E) An analysis of immediate and long-term needs associated with housing owned and operated by the Coast Guard, as compared to opportunities for long-term leases, privatized housing, and other public-private partnerships across the Department and local communities.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).

(c) BRIEFING.—Not later than 180 days after the date on which the report required by subsection (b) is submitted, the Comptroller General shall briefly provide to the appropriate committees of Congress on—

(1) the actions the Commandant has, or has not, taken with respect to the results of the study;

(2) a plan for addressing areas identified in the report that present opportunities for improving the housing options available to members of the Coast Guard and their dependents; and

(3) the need for, or potential manner of use of, any authorities the Coast Guard does not have with respect to housing, as compared to the Department of Defense.

SECTION 5501.—ADDENDUM TO SECTION 5500

Subtitle A—Vessel Safety

SEC. 5501. ABANDONED SEAFARERS FUND AMENDMENTS.

Section 11113(c) of title 46, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting ‘‘plus a surcharge of 25 percent of such total amount’’ after ‘‘seafarer’’;

(2) by striking paragraph (4).

SEC. 5502. SAFETY AND SECURITY REQUIREMENTS FOR ICE PATROL SERVICES.

Section 8009(c) of title 46, United States Code, is amended by striking the period at the end of paragraph (1) and inserting ‘‘until expended for the purpose of the Coast Guard international ice patrol program.’’.

SEC. 5503. PASSENGER VESSEL SECURITY AND MONITORING REQUIREMENTS.

Notwithstanding any other provision of law, requirements authorized under sections 3509 of title 46, United States Code, shall not apply to any passenger vessel, as defined in section 2001 of such title, that—

(1) carries in excess of 250 passengers; and

(2) is, or was, in operation in the international waters of the region of voyages inside the Boundary Line, as defined in section 103 of such title, on or before July 27, 2030.

SEC. 5504. AT-SEA RECOVERY OPERATIONS PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a pilot program to evaluate the potential use of remotely controlled or autonomous vessels to recover components, maritime workers, the public, and the environment;

(b) PROCEDURES.—The Secretary shall conduct a pilot program to evaluate the potential use of remotely controlled or autonomous vessels to recover components, maritime workers, the public, and the environment;

(c) DURATION AND EFFECTIVE DATE.—The duration of the pilot program established under this section shall be not more than 5 years beginning on the date on which the pilot program is established, which shall be not later than 180 days after the date of enactment of this Act.

SECTION 5505.—AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—The activities authorized under this section include—

(1) remote over-the-horizon monitoring operations related to the active at-sea recovery of spaceflight components on an unmanned vessel or platform;

(2) procedures for the unaccompanied operation and monitoring of an unmanned spaceflight recovery vehicle, including the operation of unmanned vessels and testing operations without a physical tow line related to space launch and recovery operations, except within 12 nautical miles of a port.

(b) INHERENT AUTHORITY.—In recognition of potential risks to navigation safety, vessel security, maritime workers, the public, and the environment, and the unique circumstances requiring the use of remotely operated or autonomous vessels, the Secretary, in the pilot program established under subsection (a), may—

(1) authorize remotely controlled or autonomous vessel operations to proceed consistent to the extent practicable under titles 33 and 46 of the United States Code, including navigation and mariner laws and regulations;

(2) modify or waive applicable regulations and guidance as the Secretary considers appropriate to—

(A) allow remote and autonomous vessel at-sea operations and activities to occur while ensuring navigation safety; and

(B) ensure the reliable, safe, and secure operation of remotely-controlled or autonomous vessels; and

(3) require each remotely operated or autonomous vessel to be at all times under the supervision of 1 or more individuals—

(A) holding a merchant mariner credential which is suitable to the satisfaction of the Coast Guard; and

(B) ensuring appropriate emergency supplies at Coast Guard units.

(c) AUTHORIZED ACTIVITIES.—The activities authorized under this section include—

(1) require each remotely operated or autonomous vessel to be at all times under the supervision of 1 or more individuals—

(A) holding a merchant mariner credential which is suitable to the satisfaction of the Coast Guard; and

(B) ensuring appropriate emergency supplies at Coast Guard units.

(d) BOATSMAN.—In this section, the term ‘‘boatman’’ means the person in charge of a remotely operated or autonomous vessel who is responsible for the safety of the vessel and its crew, and the monitoring and operation of the vessel.

(e) REPORT.—Not later than 180 days after the expiration of the pilot program established under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the availability of appropriate emergency supplies at Coast Guard units.

(f) AUTHORIZED ACTIVITIES.—The activities authorized under this section include—

(1) remote over-the-horizon monitoring operations related to the active at-sea recovery of spaceflight components on an unmanned vessel or platform;

(2) procedures for the unaccompanied operation and monitoring of an unmanned spaceflight recovery vehicle, including the operation of unmanned vessels and testing operations without a physical tow line related to space launch and recovery operations, except within 12 nautical miles of a port.

(g) INHERENT AUTHORITY.—In recognition of potential risks to navigation safety, vessel security, maritime workers, the public, and the environment, and the unique circumstances requiring the use of remotely operated or autonomous vessels, the Secretary, in the pilot program established under subsection (a), may—

(1) authorize remotely controlled or autonomous vessel operations to proceed consistent to the extent practicable under titles 33 and 46 of the United States Code, including navigation and mariner laws and regulations;

(2) modify or waive applicable regulations and guidance as the Secretary considers appropriate to—

(A) allow remote and autonomous vessel at-sea operations and activities to occur while ensuring navigation safety; and

(B) ensure the reliable, safe, and secure operation of remotely-controlled or autonomous vessels; and

(3) require each remotely operated or autonomous vessel to be at all times under the supervision of 1 or more individuals—

(A) holding a merchant mariner credential which is suitable to the satisfaction of the Coast Guard; and

(B) ensuring appropriate emergency supplies at Coast Guard units.

(c) AUTHORIZED ACTIVITIES.—The activities authorized under this section include—

(1) require each remotely operated or autonomous vessel to be at all times under the supervision of 1 or more individuals—

(A) holding a merchant mariner credential which is suitable to the satisfaction of the Coast Guard; and

(B) ensuring appropriate emergency supplies at Coast Guard units.
Representatives a final report regarding an assessment of the execution of the pilot program and implications for maintaining navigation safety, the safety of maritime workers, and the protection of the environment.

(1) GAO REPORT.—

(1) In general.—Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels in Federal waters of the United States.

(2) Elements.—The report required under paragraph (1) shall include the following:

(A) An assessment of commercially available autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels during the 10 years immediately preceding the date of the report.

(B) An analysis of the safety, physical security, cybersecurity, and collision avoidance risks associated with autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels, including environmental considerations.

(C) An assessment of the impact of such autonomous and remote technologies, and all associated technologies, on labor, including:

(i) roles for credentialed and noncredentialed workers regarding such autonomous, remote, and associated technologies; and

(ii) training and workforce development needs associated with such technologies.

(D) An assessment and evaluation of regulatory requirements necessary to guide the development of future autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels.

(E) An assessment of the extent to which such technologies are being used in other countries and how such countries have regulated such autonomous, remote, and associated technologies.

(F) Recommendations regarding authorization, infrastructure, and other requirements necessary for the implementation of such technologies in the United States.

(3) Consultation.—The report required under paragraph (1) shall include, at a minimum, consultation with the maritime industry;

(A) vessel operators, including commercial carriers, entities engaged in exploring for, developing, or producing resources, including non-mineral energy resources in its offshore areas, and supporting entities in the maritime industry;

(B) shipboard personnel impacted by any changes to autonomous vessel operations, in order to assess the various benefits and risks associated with the implementation of autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels and the impact such technologies would have on maritime jobs and maritime manpower;

(C) relevant federally funded research institutions, non-governmental organizations, and academia.

(i) Definitions.—In this section:

(MERCHANT MARINER CREDENTIAL.—The term "merchant mariner credential" means the Secretary of the department in which the Coast Guard is operating.

SEC. 5050. EXONERATION AND LIMITATION OF LIABILITY FOR SMALL PASSENGER VESSES.

(a) Restructuring.—Chapter 305 of title 46, United States Code, is amended—

(1) by inserting before section 30501 the following:

"Subchapter I—General Provisions;"

(2) by inserting before section 30503 the following:

"Subchapter II—Exoneration and Limitation of Liability;"

and

(3) by redesigning sections 30503 through 30512 as sections 30521 through 30530, respectively.

(b) Definitions.—Section 30501 of title 46, United States Code, is amended to read as follows:

"§ 30501. Definitions

"In this chapter:

(1) COVERED SMALL PASSENGER VESSEL.—The term ‘covered small passenger vessel’—

(A) means a small passenger vessel, as defined in section 2101, that is—

(i) not a wing-in-ground craft; and

(ii) carrying—

(I) not more than 49 passengers on an overnight domestic voyage; and

(II) not more than 150 passengers on any voyage that is not an overnight domestic voyage;

and

(B) includes any vessel constructed prior to March 31, 1996, carrying at least 1 passenger for hire.

(2) OWNER.—The term ‘owner’ includes a charterer that mans, supplies, and navigates a vessel at the charterer’s own expense or by the charterer’s own procurement.

(c) Application.—Section 30502 of title 46, United States Code, is amended—

(1) by striking ‘‘except as otherwise provided’’ and inserting the following: ‘‘(a) except as to covered small passenger vessels and as otherwise provided’’;

(2) by striking ‘‘section 30503’’ and inserting ‘‘section 30521’’; and

(3) by adding at the end the following:

‘‘(b) Application.—Notwithstanding subsection (a), the provisions of section 30502 of this title shall apply to covered small passenger vessels.’’;

(d) Provisions Requiring Notice of Claim or Limitation of Liability under the Shipping Act of 1984.—Section 30526 of title 46, United States Code, as redesignated by subsection (a), is amended—

(1) in subsection (a), by inserting ‘‘and covered small passenger vessels’’ after ‘‘seagoing vessels’’;

(2) in subsection (b), by striking ‘‘6 months’’ and inserting ‘‘2 years’’; and

(3) in paragraph (2), by striking ‘‘one year’’ and inserting ‘‘2 years’’.

(e) Analysis.—The analysis for chapter 355 of title 46, United States Code, is amended—

(1) by inserting before the item relating to section 30501 the following:

‘‘Subchapter I—General Provisions;’’

(2) by inserting after the item relating to section 30502 the following:

‘‘Subchapter II—Exoneration and Limitation of Liability;’’

(3) by striking the item relating to section 30501 and inserting the following:

‘‘30501. Definitions."

and

(4) by redesigning the items relating to sections 30503 through 30512 as items relating to sections 30521 through 30530, respectively.

(f) Conforming Amendments.—Title 46, United States Code, is further amended—

(1) in section 14305(a)(5), by striking ‘‘section 30506’’ and inserting ‘‘section 30524’’;

(2) in section 30526, as redesignated by subsection (a), by striking ‘‘section 30506’’ and inserting ‘‘section 30524’’;

(3) in section 30524(b), as redesignated by subsection (a), by striking ‘‘section 30506’’ and inserting ‘‘section 30524’’; and

(4) in section 30525, as redesignated by subsection (a).

(g) Authority.—(A) in the matter preceding paragraph (1), by striking ‘‘sections 30505 and 30506’’ and inserting ‘‘sections 30525 and 30524’’;

(B) in paragraph (1), by striking ‘‘section 30506’’ and inserting ‘‘section 30524’’; and

(C) in paragraph (2), by striking ‘‘section 30506(b)’’ and inserting ‘‘section 30524(b)’’.

SEC. 5506. MORATORIUM ON TOWING VESSEL INSPECTION USER FEES.

Notwithstanding section 9701 of title 31, United States Code, and section 2110 of title 46, United States Code, the Secretary of the Department of Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the practicality of the application of section 3306(n)(3)(A)(v) of title 46, United States Code, to covered historic vessels.

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

(A) An assessment of the compliance, as of the date on which the report is issued, in accordance with paragraph (1), of covered historic vessels with section 3306(n)(3)(A)(v) of title 46, United States Code.

(B) An assessment of the safety record of covered historic vessels.

(C) An assessment of the risk, if any, that modifying the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code, would have on the safety of passengers and crew of covered historic vessels.

(D) An evaluation of the economic practicability of the compliance of covered historic vessels with such section 3306(n)(3)(A)(v) and whether that compliance would meaningfully improve safety of passengers and crew in a manner that is both feasible and economically practicable.

(E) Any recommendations to improve safety in addition to, or in lieu of, such section 3306(n)(3)(A)(v).

(F) Any other recommendations as the Comptroller General determines are appropriate with respect to the applicability of such section 3306(n)(3)(A)(v) to covered historic vessels.

(G) An assessment to determine if covered historic vessels could be provided an exemption to such section 3306(n)(3)(A)(v) and what changes to legislative or rulemaking requirements, including modifications to section 3306(n)(3)(A)(v).
177.500(q) of title 46, Code of Federal Regulations (as in effect on the date of enactment of this Act), are necessary to provide the Commandant the authority to make such exemptions or to otherwise provide for such exemptions.

(b) CONSULTATION.—In completing the report required under subsection (a)(1), the Commandant may consult with—

(1) the National Transportation Safety Board; 

(2) the Coast Guard; and

(3) the maritime industry, including relevant federally funded research institutions, nongovernmental organizations, and academia.

c) EXTENSION FOR COVERED HISTORIC VESSELS.—The captain of a port may waive the requirements of section 3306(n)(3)(A)(v) of title 46, United States Code, with respect to covered historic vessels for not more than 2 years after the date of submission of the report required by subsection (a) to Congress in accordance with such subsection.

d) SAVINGS CLAUSE.—Nothing in this section shall limit any authority available, as of the date of enactment of this Act, to the captain with respect to safety, measures or any other authority as necessary for the safety of covered historic vessels.

e) NOTICE TO PASSENGERS.—A covered historic vessel that receives a waiver under subsection (c) shall, beginning on the date on which the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code, take effect, provide a prominently displayed notice on its website, ticket counter, and each ticket for passengers that the vessel is exempt from meeting the Coast Guard safety compliance standards concerning egress as provided for under such section 3306(n)(3)(A)(v).

f) DEFINITION OF COVERED HISTORIC VESSELS.—In this section, the term ‘‘covered historic vessels’’ means the following:

(1) American Eagle (Official Number 229515).

(2) Angelique (Official Number 623562).

(3) Heritage (Official Number 649561).

(4) J & E Riggin (Official Number 226422).

(5) Ladona (Official Number 225228).

(6) Lewis R. French (Official Number 013801).

(7) Mary Day (Official Number 238714).

(8) Stephen Taber (Official Number 115490).

(9) Victory Chimes (Official Number 139784).

(10) Grace Bailey (Official Number 085754).

(11) Mercantile (Official Number 21888).

(12) Mistress (Official Number 509004).

SEC. 5508. COAST GUARD DIGITAL REGISTRATION.

Section 12204(a) of title 46, United States Code, is amended—

(1) by striking ‘‘who shall be pocket-sized,’’ and ‘‘(2) by striking ‘‘and may be valid’’ and inserting ‘‘and that has no other claim of nationality or is identified as the individual in charge of United States law, claims to be the master or is identified as the individual in charge and that has no other claim of nationality or registry under paragraph (1) or (2) of subsection (e)’’;

(2) the extent to which the components of the maritime industry, including relevant federally funded research institutions, nongovernmental organizations, and academia.

(3) by adding at the end the following:

‘‘(D) a vessel aboard which no individual, on request of an officer of the United States authorized to enforce applicable provisions of United States law, claims to be the master or is identified as the individual in charge and that has no other claim of nationality or registry under paragraph (1) or (2) of subsection (e).’’

SEC. 5522. REPORT ON ENFORCEMENT OF COAST-WISE LAWS.

Not later than 1 year after the date of enactment of this Act, the Commandant shall submit to Congress a report describing any changes to the enforcement programs described in sections 121 and 551 of title 46, United States Code, as a result of the amendments to section 4(a)(1) of the Outer Continental Shelf Lands Act (33 U.S.C. 1814(a)(1)) made by the National Transportation Safety Board has not received the written response required under subsection (a) by the end of the time period described in that subsection, the National Transportation Safety Board shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such response has not been received.’’.

(c) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 14, United States Code, is amended by adding at the end the following:

‘‘721. Responses to safety recommendations.

SEC. 5510. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON THE COAST GUARD’S OVERSIGHT OF THIRD PARTY ORGANIZATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall initiate a review, not later than 1 year after the date of enactment of this Act, that assesses the Coast Guard’s oversight of third party organizations.

(b) ELEMENTS.—The study required under subsection (a) shall analyze the following:

(1) Coast Guard utilization of third party organizations in its prevention mission, and the extent the Coast Guard plans to increase such use to enhance prevention mission performance, including resource utilization and specialized expertise.

(2) The extent the Coast Guard has assessed the potential risks and benefits of using third party organizations to support prevention mission activities.

(3) The extent the Coast Guard provides oversight of third party organizations authorized to support prevention mission activities.

(c) REPORT.—The Comptroller General shall submit the results from this study not later than 1 year after initiating the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 5511. CERTIFICATE OF INSPECTION.

(a) IN GENERAL.—The certificate of inspection issued by the Commandant of the United States Maritime Administration to a vessel that—

(1) is 79 feet or less in length as listed on the vessel’s certificate of documentation or certificate of number; and

(2) successfully completes a dockside examination by the Secretary every 2 years in accordance with section 4502(b)(2) of this title, and

(3) visibly displays a current decal demonstrating examination compliance in the pilothouse or equivalent space.

SEC. 5521. DEFINITION OF A STATELESS VESSEL.

Section 76502(d)(1) of title 46, United States Code, is amended—

(1) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(2) by inserting after subsection (c) the following:

‘‘(d) Subsection (a) shall not apply to a vessel that—

(1) is 79 feet or less in length as listed on the vessel’s certificate of documentation or certificate of number; and

(2) is identified as the individual in charge and that has no other claim of nationality or registry under paragraph (1) or (2) of subsection (e).’’

SEC. 5523. STUDY ON MULTI-LEVEL SUPPLY CHAIN SECURITY STRATEGY OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study that assesses the efforts of the Department of Homeland Security with respect to securing vessels and maritime cargo bound for the United States and that has no other claim of nationality or registry under paragraph (1) or (2) of subsection (e).

(b) ELEMENTS.—The study required under subsection (a) shall assess the following:

(1) Programs that comprise the maritime strategy of the Department of Homeland Security with respect to securing vessels and maritime cargo bound for the United States, and the extent to which such programs cover the critical components of the global supply chain.

(2) The extent to which the components of the Department of Homeland Security responsible for maritime security issues have implemented leading practices in collaboration.
(3) The extent to which the Department of Homeland Security has assessed the effectiveness of its maritime security strategy.


(c) REPORT.—Not later than 1 year after initiating the study under subsection (a), the Commandant of the General of the United States Coast Guard, shall submit the results of the study to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

SEC. 5524. STUDY TO MODERNIZE THE MERCHANT MARINER LICENSING AND DOCUMENTATION SYSTEM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, a report on the financial, human, and information technology infrastructure resources needed to establish an electronic merchant mariner licensing and documentation system.

(b) LEGISLATIVE AND REGULATORY SUGGESTIONS.—The report required under subsection (a) shall include recommendations for such legislative or administrative actions as the Commandant determines necessary to establish the electronic merchant mariner licensing and documentation system described in subsection (a) as soon as possible.

(c) GAO REPORT.—By not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Commandant, shall prepare and submit a report to Congress that evaluates the current processes, as of the date of enactment of this Act, of the National Maritime Center for processing and approving merchant mariner credentials.

(2) CONTENTS OF EVALUATION.—The evaluation conducted under paragraph (1) shall include—

(A) an analysis of the effectiveness of the current merchant mariner credentialing process, as of the date of enactment of this Act;

(B) an analysis of the backlogs relating to the merchant mariner credentialing process and the reasons for such backlogs; and

(C) recommendations for improving and expediting the merchant mariner credentialing process.

(d) DEFINITION OF MERCHANT MARINER CREDENTIAL.—In this subsection, the term "merchant mariner credential" means a merchant mariner license, certificate, or document that the Secretary of the Department in which the Coast Guard is operating shall provide to a person who has met the requirements for obtaining such credential.

SEC. 5525. STUDY AND REPORT ON DEVELOPMENT AND MAINTENANCE OF MARINER RECORDS DATABASE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Commandant and the Administrator of the Maritime Administration and the Commander of the United States Transportation Command, shall conduct a study to the potential benefits and feasibility of developing and maintaining a Coast Guard database that—

(A) contains records with respect to each credentialed merchant mariner, including credential validity, drug and alcohol testing results, and information on any final adjudicated agency action involving a credentialed merchant mariner or regarding any involvement in a marine casualty; and

(B) maintains such records in a manner such that they can be provided by the Federal Government for the purpose of assessing workforce needs and for the purpose of the economic and national security of the United States.

(2) ELEMENTS.—The study required under paragraph (1) shall—

(A) include an assessment of the resources, including personnel, required to develop and maintain the database described in such paragraph; and

(B) specifically address the protection of the privacy interests of any individuals whose information may be contained within the database, which shall include limiting access to the database or having access to the database be monitored by, or accessed through, a member of the Coast Guard.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a), including findings, conclusions, and recommendations.

(c) DEFINITION.—(1) CREDENTIALED MARINER.—The term "credentialed mariner" means an individual with a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to title 46, United States Code.

(2) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

SEC. 5526. ASSESSMENT REGARDING APPLICATION PROCESS FOR MERCHANT MARINER CREDENTIALS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct an assessment to determine the resources, including personnel and computing resources, required to—

(1) reduce the amount of time necessary to process merchant mariner credentialing applications to not more than 2 weeks after the date of receipt; and

(2) develop and maintain an electronic merchant mariner credentialing application system.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with the results of the assessment required under subsection (a).

(c) DEFINITION.—In this section, the term "merchant mariner credentialing application" means a credentialing application for a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to title 46, United States Code.

SEC. 5527. MILITARY TO MARINERS ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the "Military to Mariners Act of 2022."

(b) FINDINGS; SENSE OF CONGRESS.—

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

(A) The United States Unified Services are composed of the world’s most highly trained and professional servicemembers.

(B) A robust Merchant Marine and ensuring United States Merchant Mariners can compete in the global workforce are vital to economic and national security.

(C) Attracting additional trained and credentialled mariners, particularly from active duty servicemembers and military veterans, will support United States national security, ensure the availability of meaningfully well-paid jobs to United States veterans.

(D) There is a need to ensure that the Federal Government has a robust, state of the art, and efficient merchant mariner credentialing system to support economic and national security.

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

(A) veterans and members of the Uniformed Services who are or have been willing to join the United States Merchant Marine should receive vigorous support; and

(B) it is incumbent upon the regulatory bodies of the United States to streamline regulations to facilitate transition of veterans and members of the Unified Services into the United States Merchant Marine to maintain a strong maritime presence in the United States and worldwide.

(c) MODIFICATION OF SEA SERVICE REQUIREMENTS FOR MERCHANT MARINER CREDENTIALS FOR VETERANS AND MEMBERS OF THE UNIFORMED SERVICES.—

(1) DEFINITIONS.—In this subsection:

(A) MERCHANT MARINER CREDENTIAL.—The term "merchant mariner credential" has the meaning given the term in section 7510 of title 46, United States Code.

(B) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(C) UNIFIED SERVICES.—The term "Unified Services" has the meaning given the term "uniformed services" in section 2101 of title 5, United States Code.

(2) REVIEW AND REGULATIONS.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review and examine—

(i) the requirements and procedures for veterans and members of the Unified Services to receive a merchant mariner credential;

(ii) the classifications of sea service acquired through training and service as a member of the Unified Services and level of equivalence to sea service on merchant vessels;

(iii) the amount of sea service, including percent of the total time onboard for purposes of equivalence to sea service, that will be accepted as required experience for all endorsements for applicants for a merchant mariner credential who are veterans or members of the Uniformed Services;

(iv) provide the availability for a fully internet-based application process for a merchant mariner credential, to the maximum extent practicable; and

(v) issue new regulations to—

(A) reduce paperwork, delay, and other burdens for applicants for a merchant mariner credential who are veterans or members of the Unified Services, and, if determined to be appropriate, increase the acceptable percentages of time equivalent to sea service for such applicants; and

(B) reduce burdens and create a means of alternative compliance to demonstrate instructor competency for Standards of Training, Certification and Watchkeeping for Seafarers courses.

(3) CONSULTATION.—In carrying out paragraph (2), the Secretary shall consult with the National Merchant Marine Personnel Advisory Committee taking into account the present and future needs of the United States Merchant Marine labor workforce.
shall submit to the Committee on Com-merce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Armed Services of the House of Representatives, a report that con-tains an update on the activities carried out to improve:
(A) the July 2020 report by the Committee on the Marine Transportation System to the White House Office of Trade and Manufac-turing, on the implementation of Exec-utive Order 13860 (84 Fed. Reg. 8497; relat-ing to supporting the transition of active duty military members and military veterans into the Merchant Marine); and

(d) ASSESSMENT OF SKILLBRIDGE FOR EM-PLOYMENT AS A MERCHANT MARINER.—The Secretary of the department in which the Coast Guard is operating, in collaboration with the Secretary of Defense, shall assess the use of the SkillBridge program of the Dep-artment of Defense as a means for transitioning active duty sea service per-sonnel toward employment as a merchant mariner.

SEC. 5602. FLOATING DRY DOCKS.
Section 5512(a) of title 46, United States Code, is amended—
(1) in paragraph (1)(C), by striking "(C)"; and inserting "(C)(i)";
(B) by striking "2013; and"; and inserting "2015; or"; and
(C) by adding at the end the following: "(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such date of enactment; and"
(2) in paragraph (2), by inserting "or occurs between Honolulu, Hawaii, and Pearl Harbor, Hawaii" before the period at the end.

TITLE LVI—SEXUAL ASSAULT AND SEX-UAL HARASSMENT PREVENTION AND RESPONSE

SEC. 5601. DEFINITIONS.
(a) IN GENERAL.—Section 2101 of title 46, United States Code, is amended—
(1) by redesigning paragraphs (45) through (54) as paragraphs (47) through (56), respectively; and
(2) by inserting after paragraph (44) the follow-ing: "(45) ‘sexual assault’ means any form of abuse or contact as defined in chapter 109A of title 18, or a substantially similar offense under a State, local, or Tribal law.
(46) ‘sexual harassment’ means any of the fol-lowing:
(A) Conduct toward an individual (which may have been by the individual’s super-visor, a supervisor in another area, a co-worker, or another credentialed mariner) that—
(i) involves unwelcome sexual advances, requests for sexual favors, or deliberate or repeated offensive comments or gestures of a sexual nature, when—
(I) submission to such conduct is made ei-ther explicitly or implicitly a term or condi-tion of employment, pay, career, benefits, or entitlements of the individual;
(II) any submission to, or rejection of, such conduct by the individual is used as a basis for decisions affecting the individual’s job, pay, career, benefits, or entitlements; or
(III) such conduct has the purpose or ef-fect of unreasonably interfering with the individual’s work performance, or creates an intimidating, hostile, or offensive working environment; and
(ii) is so severe or pervasive that a rea-sonable person would perceive, and the indi-vidual does perceive, the environment as hostile or offensive.
(47) ‘(B) Any use or condonation by any person in a supervisory or command position of any form of sexual behavior to control, influence, or affect the career, pay, or job of an indi-vidual who is a subordinate to the person.
(48) ‘Any intentional or repeated unwel-come verbal comment or gesture of a sexual nature towards or about an individual by the individual’s supervisor, a supervisor in an o- ther area, a coworker, or another credentialed mariner.’;
(b) RESPONSE.
—The Commandant shall sub-mit to the Committee on Transportation and Infrastructure of the House of Representa-tives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the proce-dures through which each Commandant may propose to the definitions added by the amendments in subsection (a).
(c) CONFORMING AMENDMENTS.
(1) Section 2133(3) of title 46, United States Code, is amended by striking ‘‘section 2101(51)A’’ and inserting ‘‘section 2101(51)A’’.
(2) Section 4105 of title 46, United States Code, is amended—
(A) in subsections (a) and (c), by striking ‘‘section 2101(51)A’’ and inserting ‘‘section 2101(51)A’’; and
(B) in subsection (d), by striking ‘‘section 2101(51)A’’ and inserting ‘‘section 2101(51)A’’.
(3) Section 1311(a)(1)(E) of title 49, United States Code, is amended by striking ‘‘section 2101(46)’’ and inserting ‘‘116’’.

SEC. 5602. OFFENDER AS GROUNDS FOR DENIAL.
(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:
"§ 7511. Convicted sex offender as grounds for denial
(a) SEXUAL ABUSE.—A licensee, certificate of registry, or merchant mariner’s document administrator to whom such issue has been denied to an individual who has been con-victed of a sexual offense prohibited under—
(1) chapter 109A of title 18, except when such possession is obtained by a person who is associated with the commercial sale to indi-viduals aboard the vessel who are not crew members; and
(b) ABUSIVE SEXUAL CONTACT.—A license, certificate of registry, or merchant mariner’s document administrator to whom such issue has been denied to an individual who has been con-victed of a sexual offense prohibited under subsection (b) of section 2241 of title 18, or a substantially similar offense under a State, local, or Tribal law.
(c) CLERICAL AMENDMENT.—The analysis for chapter 75 of title 46, United States Code, is amended by adding at the end the following:
"7511. Convicted sex offender as grounds for denial.
(a) SEXUAL ABUSE.—A license, certificate of registry, or merchant mariner’s document administrator to whom such issue has been denied to an individual who has been con-victed of a sexual offense prohibited under—
(1) chapter 109A of title 18, except when such possession is obtained by a person who is associated with the commercial sale to indi-viduals aboard the vessel who are not crew members; and
(b) ABUSIVE SEXUAL CONTACT.—A license, certificate of registry, or merchant mariner’s document administrator to whom such issue has been denied to an individual who has been con-victed of a sexual offense prohibited under subsection (b) of section 2241 of title 18, or a substantially similar offense under a State, local, or Tribal law.

SEC. 5603. ACCOMMODATION; NOTICES.
Section 2110 of title 46, United States Code, is amended—
(1) in subsection (a)—
(A) in paragraph (3), by striking ‘‘; and’’ and inserting a semicolon;
(B) in paragraph (4), by striking the period at the end and inserting ‘‘; and’’;
(C) by adding at the end the following: "(5) each crew berthing area shall be equipped with information regarding—
(A) vessel owner or company policies pro-hibiting sexual assault, sexual harassment, retaliation, and drug and alcohol use;
(B) procedures and resources to report al-legations of sexual assault and sexual har-rassment, including information—
(1) on the website of the vessel, and the port of call website, and the port of call telephone number; and
(2) a copy of the sexual harassment, retaliation, and drug and alcohol use policy distributed aboard the vessel;
(C) information regarding procedures and resources to report alleged sexual assault and sexual harassment, including information—
(1) on the vessel’s website; and
(2) a copy of the sexual harassment, re-taliation, and drug and alcohol use policy distributed aboard the vessel;
(d) ASSAMBLING INFORMATION;
(1) a copy of the sexual harassment, re-taliation, and drug and alcohol use policy distributed aboard the vessel;
(2) a copy of the sexual harassment, re-taliation, and drug and alcohol use policy distributed aboard the vessel;
(3) a copy of the sexual harassment, re-taliation, and drug and alcohol use policy distributed aboard the vessel;
(4) a copy of the sexual harassment, re-taliation, and drug and alcohol use policy distributed aboard the vessel;
(5) a copy of the sexual harassment, re-taliation, and drug and alcohol use policy distributed aboard the vessel; and
(6) a copy of the sexual harassment, re-taliation, and drug and alcohol use policy distributed aboard the vessel.
(b) ASSESSMENT.—The assessment under this section shall—
(1) take into account the safety and secu-rity of every individual on the vessel;

SEC. 5605. ALCOHOL AT SEA.
(a) IN GENERAL.—The Commandant shall seek to enter into an agreement with the Na-tional Academy of Sciences not later than 1 year after the date of the enactment of this Act under which the National Academy of Sciences shall prepare an assessment to de-termine safe levels of alcohol consumption and possession by crew members aboard ves-sels of the United States engaged in com-mercial service, except when such possession is associated with the commercial sale to indi-viduals aboard the vessel who are not crew members.
(b) ASSESSMENT.—The assessment under this section shall—
(1) take into account the safety and secu-rity of every individual on the vessel;

SEC. 5604. PROTECTION AGAINST DISCRIMINA-TION.
Section 2114(a) of title 46, United States Code, is amended—
(1) in paragraph (1)—
(A) by redesigning subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively; and
(B) by inserting after subparagraph (A) the follow ing:

SEC. 5606. PROHIBITIONS ON THE USE OF STRONG ARM FORCES.
(a) IN GENERAL.—The Commandant shall seek to enter into an agreement with the Na-tional Academy of Sciences not later than 1 year after the date of the enactment of this Act under which the National Academy of Sciences shall prepare an assessment to de-termine safe levels of alcohol consumption and possession by crew members aboard ves-sels of the United States engaged in com-mercial service, except when such possession is associated with the commercial sale to indi-viduals aboard the vessel who are not crew members.
(b) ASSESSMENT.—The assessment under this section shall—
(1) take into account the safety and secu-rity of every individual on the vessel;

SEC. 5607. RECORDS AND REPORTS.
Section 2121 of title 46, United States Code, is amended—
(1) by redesigning paragraphs (1)(A) through (1)(D) as paragraphs (2) through (5), respectively; and
(2) by inserting after paragraph (4) the follow ing: "(5) each crew berthing area shall be equipped with information regarding—
(A) vessel owner or company policies pro-hibiting sexual assault, sexual harassment, retaliation, and drug and alcohol use;
(B) procedures and resources to report al-legations of sexual assault and sexual har-rassment, including information—
(1) on the website of the vessel, and the port of call website, and the port of call telephone number; and
(2) a copy of the sexual harassment, re-taliation, and drug and alcohol use policy distributed aboard the vessel;
(C) information regarding procedures and resources to report alleged sexual assault and sexual harassment, including information—
(1) on the vessel’s website; and
(2) a copy of the sexual harassment, re-taliation, and drug and alcohol use policy distributed aboard the vessel.
(b) ASSESSMENT.—The assessment under this section shall—
(1) take into account the safety and secu-rity of every individual on the vessel;
United States engaged in commercial service, may issue regulations relating to alcohol consumption on such vessels.

(e) REPORT REQUIRED.—If, by the date that is 2 years after the receipt of the assessment under subsection (c), the Commandant does not issue regulations under subsection (d), the Commandant shall provide a report by such date to the appropriate committees of Congress—

(1) regarding the rationale for not issuing such regulations; and

(2) including any other recommendations as necessary to ensure safety at sea.

SEC. 5006. SEXUAL HARASSMENT OR SEXUAL ASSAULT AS GROUNDS FOR SUSPENSION OR REVOCATION.

(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part, within 10 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual harassment, then the license, certificate of registry, or merchant mariner’s document shall be suspended or revoked.

(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, then the license, certificate of registry, or merchant mariner’s document shall be suspended or revoked.

(c) SUBSTANTIATED CLAIM.—

(1) IN GENERAL.—In this section, the term "substantiated claim" means—

(A) a legal proceeding or agency action in any administrative proceeding that determines the individual committed sexual harassment or sexual assault in violation of any Federal, State, local, or Tribal law or regulation and for which all appeals have been exhausted, as applicable; or

(B) a determination after an investigation by the Coast Guard that it is more likely than not that the individual committed sexual harassment or sexual assault as defined in section 7704 as grounds for suspension or revocation.

(2) ADDITIONAL REVIEW.—A license, certificate of registry, or merchant mariner's document shall not be suspended or revoked under subsection (a) or (b), unless the substantiated claim is reviewed and affirmed, in accordance with the applicable definition in section 2101, by an administrative law judge at the same suspension or revocation hearing under this chapter described in subsection (a) or (b).

(b) CLERICAL AMENDMENT.—The analysis of chapter 77 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (4) the following:—

""(7) such training to ensure the individual—

(A) retain audio and visual records and other evidence objectively; and

(B) act impartially without influence from the company or others; and

(2) training on applicable Federal, State, Tribal, and local laws and regulations relating to sexual discrimination, sexual harassment, sexual assault, and sexual harassment investigation and reporting requirements.

(1) APPLICABILITY.—

(2) IN GENERAL.—The requirements in this section shall apply to vessels engaged in commercial service that do not carry passengers and are any of the following:

(1) is on a voyage of at least 600 miles and crosses seaward of the boundary line; or

(ii) is at least 24 meters (79 feet) in overall length and required to have a load line under chapter 51.

(2)_ipv⊙2 is a documented vessel on an international voyage that is at least 15 gross tons as measured under section 14602 or

(ii) an alternate tonnage measured under section 14602 as prescribed by the Secretary under section 14104.

(3) A vessel with overnight accommodations for at least 10 persons on board that are operating for no less than 72 hours on waters superjacent to the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))).

(2) paragraph (1), the requirements in this section shall not apply to any fishing vessel, fish processing vessel, or fish tender vessel.

(b) REQUIREMENT FOR MAINTENANCE OF VIDEO SURVEILLANCE SYSTEM.—

(1) IN GENERAL.—The owner of a vessel to which this section applies shall maintain a video surveillance system in accordance with this section.

(2) LOCATIONS.—Video and audio surveillance equipment shall be placed in passageways onto which doors from staterooms open. Such equipment shall be placed in a manner ensuring the visibility of every door in each such passageway.

(3) NOTICE OF VIDEO AND AUDIO SURVEILLANCE.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the crew of the presence of video and audio surveillance equipment.

(c) Limited Access to Video and Audio Records.—The owner of a vessel to which this section applies shall retain all records of audio and video surveillance for not less than 4 years after the foot- age is obtained. Any video and audio surveillance found to be associated with an alleged incident of sexual harassment or sexual assault shall be retained by such owner for not less than 10 years from the date of the alleged incident.

(d) Personnel Training.—A vessel owner, managing operator, or employer of a seafarer (in this subsection referred to as the ‘company’) shall provide training for all individuals employed by the company for the purpose of responding to incidents of sexual assault or sexual harassment, including—

(1) such training to ensure the individuals—

(A) retain audio and visual records and other evidence objectively; and

(B) act impartially without influence from the company or others; and

(2) training on applicable Federal, State, Tribal, and local laws and regulations relating to sexual discrimination, sexual harassment, sexual assault, and sexual harassment investigation and reporting requirements.

(1) DEFINITION OF OWNER.—In this section, the term 'owner' means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

(b) CLERICAL AMENDMENT.—The analysis of subtitle II at the beginning of title 46, United States Code, is amended by adding after the item relating to chapter 47 the following:

"CHAPTER 49—OCEANOERING COMMERCIAL VESSELS".

SEC. 5008. MASTER KEY CONTROL.

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3106. Master key control system.

(b) PROHIBITED USE.—A crew member not included on the list described in subsection (a)(2) shall not have access to or use the master key unless in an emergency and shall immediately notify the master and owner of the vessel following access or use of such key.

(c) PENALTY.—Any crew member who violates a subsection (b) shall be liable to the United States Government for a civil penalty of not more than $1,000, and may be subject to suspension or revocation under section 7707.

(b) CLERICAL AMENDMENT.—The analysis for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3106. Master key control system."

SEC. 5009. SAFETY MANAGEMENT SYSTEMS.

Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (4) the following:

"(5) with respect to sexual harassment and sexual assault, procedures and annual training requirements for all responsible persons and vessels to which this chapter applies on—

(A) prevention;

(B) bystander intervention;

(C) reporting;

(D) response; and

(E) investigation; and

(6) the list required under section 3106(a)(2) and the log book required under section 3106(a)(3)";"
the responsible person for the vessel. It may audit the safety management system of a vessel if the Secretary determines—

(1) that the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with any other requirement under section 10104; or

(2) other failure of the safety management system resulted in the failure to comply with any other requirement under section 10104.

(2) CERTIFICATES.—

(A) SUSPENSION.—During an audit of a safety management system of a vessel required under paragraph (1), the Secretary may suspend the Safety Management Certificate issued for the vessel under section 3205 if the Secretary determines—

(i) that the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with section 10104; or

(ii) that other failure of the safety management system resulted in the failure to comply with any other requirement under section 10104.

(B) REVOCATION.—At the conclusion of an audit of a safety management system required under section 10104, if the Secretary determines—

(i) that the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with section 10104 or issued a separate Document of Compliance to another person under section 3205 and issued a separate Document of Compliance to such person to be in effect for a 3-month period beginning on the date of the issuance of such separate certificate.

(ii) that the holders of the Safety Management Certificate and the Document of Compliance issued for the vessel under section 3205 if the Secretary determines—

(C) Documents of Compliance.—

(A) IN GENERAL.—Following an audit of the safety management system of a vessel required under paragraph (1), the Secretary may audit the safety management system of the responsible person for the vessel.

(B) SUSPENSION.—During an audit under subparagraph (A), the Secretary may suspend the Compliance Certificate issued for the vessel under section 3205 if the Secretary determines—

(i) that the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with section 10104; or

(ii) other failure of the safety management system resulted in the failure to comply with any other requirement under section 10104.

(C) REVOCATION.—At the conclusion of an assessment or an audit of a safety management system under subparagraph (A), the Secretary shall revoke the Document of Compliance issued to the responsible person if the Secretary determines—

(i) that the holder of the Document of Compliance knowingly, or repeatedly, failed to comply with section 10104; or

(ii) that other failure of the safety management system resulted in the failure to comply with any other requirement under section 10104.

SEC. 5610. REQUIREMENT TO REPORT SEXUAL ASSAULT AND HARASSMENT.

Section 10104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—A vessel owner, master, managing operator, or employer of the seafarer on that vessel shall report to the Commandant in accordance with subsection (b) any complaint or occurrence of sexual assault or harassment involving a crew member in violation of employer policy or law of which such vessel's owner, master, managing operator, or employer of the seafarer is made aware. Such reporting shall include results of any investigation into the incident, if applicable, and any action taken against the offending crew member.

"(b) PENALTY.—A vessel owner, master, managing operator, or employer of a documented vessel or other systematic review of the submis-

SAULT FORENSIC EXAMINATIONS.

"(a) IN GENERAL.—Before embarking on any prescribed voyage, a Commandant may require that the Commandant select a vessel that fails to comply with subsection (a) to be in effect for a 3-month period beginning on the date of the issuance of such separate document.

"(C) the time and date of the incident; and

"(D) the geographic location of the vessel when the incident occurred; and

(3) by inserting after subsection (a) the following:

"(A) RECEIVING REPORTS.—With respect to reports submitted under this subsection to the Commandant, the Commandant—

(i) shall establish a means of accessing the sexual assault forensic examinations.

(ii) that other failure of the safety management system resulted in the failure to comply with any other requirement under section 10104.

(C) the time and date of the incident; and

(2) JURISDICTIONAL LIMITS.—The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(2) that is treated with the same level of urgency as emergency medical care.

(3) the means of accessing a sexual assault forensic examination and medical care with a restricted report of sexual assault;

"(1) make such submission not later than 3 years after the date on which the sexual assault occurred and

"(2) Methods.—The written operating procedure required by subsection (a), shall, at a minimum, account for—

(i) that the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with section 10104; or

(ii) other failure of the safety management system resulted in the failure to comply with any other requirement under section 10104.

SEC. 5611. ACCESS TO CARE AND SEXUAL ASSAULT FORENSIC EXAMINATIONS.

"(a) IN GENERAL.—Subchapter IV of chapter 5 of title 14, United States Code, as amended by section 5211, is further amended by adding at the end the following:

"(1) the health, safety, and privacy of a victim of sexual assault;

(3) coordination with law enforcement and the preservation of evidence;

(4) the operational capabilities of the vessel concerned;

(5) the qualifications of medical personnel onboard;

(6) coordination with law enforcement and the preservation of evidence;

(7) the means of accessing a sexual assault forensic examination and medical care with a restricted report of sexual assault;

(2) that is treated with the same level of urgency as emergency medical care.

(2) the availability of aeromedical evacuation;

(4) the extent practicable, the personal identifiable information of such individuals.

"(c) SUBPOENA AUTHORITY.—

(1) IN GENERAL.—The Commandant may compel the production of any evidence by subpoena to determine compliance with this section.

(2) JURISDICTIONAL LIMITS.—The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(2) study.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study to assess the feasibility of the development of a self-administered sexual assault forensic examination and the availability of sexual assault onboard a vessel at sea.

(2) The study under paragraph (1) shall—

(1) that the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with section 10104; or

(ii) other failure of the safety management system resulted in the failure to comply with any other requirement under section 10104.

(C) the time and date of the incident; and

(2) JURISDICTIONAL LIMITS.—The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(2) that is treated with the same level of urgency as emergency medical care.

(3) the availability of aeromedical evacuation;

(4) the operational capabilities of the vessel concerned;

(5) the qualifications of medical personnel onboard;

(6) coordination with law enforcement and the preservation of evidence;

(7) the means of accessing a sexual assault forensic examination and medical care with a restricted report of sexual assault;

(8) the availability of nonprescription pregnancy prophylactics; and

(9) other unique military considerations.

(b) STUDY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall seek to enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study to assess the feasibility of the development of a self-administered sexual assault forensic examination and the availability of sexual assault onboard a vessel at sea.

(2) The study under paragraph (1) shall—

(1) that the safety and security of the alleged victim of sexual assault;
(ii) the ability to properly identify, document, and preserve any evidence relevant to the allegation of sexual assault; and
(iii) the applicable criminal procedural laws of the Department of Defense, including, but not limited to, the Uniform Code of Military Justice) to request an immediate change of station or a unit transfer. The final policy shall be updated not later than 1 year after the date of the enactment of this Act.

SEC. 5614. SEX OFFENSES AND PERSONNEL RECORDS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study to assess the oversight over Coast Guard activities, including investigations, personnel management, whistleblower protection, and other activities carried out by the Department of Homeland Security Office of Inspector General.

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S5615. STUDY ON COAST GUARD OVERSIGHT AND INVESTIGATIONS.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall issue final regulations or policy guidance required to fully implement section 1745 of the National Defense Authorization Act under the Code of Federal Regulations of the Department of Defense pursuant to Public Law 113-66; 10 U.S.C. 1561 note.

(b) Elements.—The study required by subsection (a) shall include the following:

(1) An analysis of the ability of the Department of Homeland Security Office of Inspector General to ensure timely, thorough, complete, and appropriate oversight over the Coast Guard, including oversight over civilian and military activities.

(2) An assessment of—

(A) the best practices with respect to such oversight; and
(B) the ability of the Department of Homeland Security Office of Inspector General and the Commandant to identify and achieve such best practices.

(3) An analysis of the methods, standards, and processes employed by the Department of Defense Office of Inspector General and the inspectors generals of the armed forces for conducting investigations for the Coast Guard, as compared to the methods, standards, and processes described in paragraph (3).

(4) An analysis of the methods, standards, and processes of the Department of Homeland Security Office of Inspector General with respect to oversight over the civilian and military activities of the Coast Guard, for any allegations in which the accused is a member of the Coast Guard or any other armed force (as defined in section 101 of title 10, United States Code), other than the Coast Guard, to conduct oversight and investigation activities.

(b) CLERICAL AMENDMENT.—The analysis for chapter 101 of title 46, United States Code, is amended by adding at the end the following:

"10105. Reports to Congress.

"Not later than 1 year after the date of enactment of this Act, and on an annual basis thereafter, the Commandant shall submit to the Committee on Transportation, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report to include—

"(1) the number of reports received under section 10104;

"(2) the number of complaints received under such section;

"(3) the number of open investigations under such section, completed investigations under such section, and the outcomes of such open or completed investigations;

"(4) the number of assessments or audits conducted under section 3230 and the outcome of those assessments or audits;

"(5) a statistical analysis of compliance with the safety management system criteria under section 3230;

"(6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or other conduct; and

"(7) recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector, including funding requirements and legislative change proposals necessary to ensure compliance with title LVI of the Coast Guard Authorization Act of 2022 and the amendments made by such title.

(c) CLERICAL AMENDMENT.—The analysis for chapter 101 of title 46, United States Code, is amended by adding at the end the following:

"10105. Reports to Congress.

"Not later than 1 year after the date of enactment of this Act, and on an annual basis thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report to include—

"(1) the findings of the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study, including recommendations with respect to oversight over Coast Guard activities.

"(2) other reviews.—The study required by subsection (a) may rely upon recently completed or ongoing reviews by the Comptroller General or other entities, as applicable.

SEC. 5616. STUDY ON SPECIAL VICTIMS' COUNSEL.

(a) In General.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with a federally funded research and development center for the conduct of a study on—

(1) the Special Victims' Counsel program of the Coast Guard;

(2) Coast Guard investigations of sexual assault allegations, in particular such allegations in which the accused is not in the Coast Guard for meaningful, timely, and effective oversight; and

(3) other criteria and oversight for the Special Victims' Counsel program of the Coast Guard so as to improve outcomes for members of the
SEC. 5701. DEFINITIONS.

Section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3022(b)) is amended by—

(a) inserting after the item relating to section 212(c) the following:

"(2) not be given;"

(b) by inserting after paragraph (16) the following:

"(17) Section 215(e), relating to retirement or separation based on years of creditable service;"

(c) by inserting after paragraph (20) the following:

"(18) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.''.

SEC. 5702. REQUIREMENT FOR APPOINTMENTS.

Section 221(c) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021(c)) is amended by—

(a) inserting after the item relating to section 221 the following:

"(2) by inserting after paragraph (16) the following:

"(17) Section 215(e), relating to retirement or separation based on years of creditable service;"

(b) by inserting after paragraph (20) the following:

"(18) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.''.

SEC. 5703. SEPARATION OF ENSIGNS FOUND NOT FULLY QUALIFIED.

"(a) In General.—The Under Secretary may prescribe regulations relating to shore leave for professional mariners without regard to the requirements of section 6305 of title 5, United States Code.

(b) REQUIREMENTS.—The regulations prescribed under subsection (a) shall—

(1) require that a professional mariner serving aboard an ocean-going vessel be granted a leave of absence of four days per pay period; and

(2) provide that a professional mariner serving in a temporary promotion position aboard a vessel may be paid the difference between the mariner's temporary and permanent rates of pay for leave accrued while serving in the temporary promotion position.

"(c) PROFESSIONAL MARINER DEFINED.—In this section, the term 'professional mariner' means an individual employed on a vessel of the Administration who has the necessary expertise to serve in the engineering, deck, steward, or survey department.''.

SEC. 5704. AUTHORITY TO PROVIDE AWARDS AND DECORATIONS.

"(a) In General.—Subtitle A of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by—

(b) inserting the following:

"(2) by inserting after paragraph (16) the following:

"(17) Section 215(e), relating to retirement or separation based on years of creditable service;"

(c) by inserting after paragraph (20) the following:

"(18) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.''.

SEC. 5705. LEGAL ASSISTANCE.

"Section 1044(a)(3) of title 10, United States Code, is amended by—

(a) inserting the following:

"(1) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere; and

(b) inserting the following:

"(1) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.''.

SEC. 5706. IMPROVING PROFESSIONAL MARINER STAFFING.

"(a) In General.—Subtitle E of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by—

(b) inserting the following:

"(2) by inserting after paragraph (16) the following:

"(17) Section 215(e), relating to retirement or separation based on years of creditable service;"

(c) by inserting after paragraph (20) the following:

"(18) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.''.

SEC. 5707. ACQUISITION OF AIRCRAFT FOR EXTREME WEATHER RECOGNITION.

"(a) INCREASED FLEET CAPACITY.—

(1) IN GENERAL.—The Under Secretary shall—

(2) AUTHORIZATION OF APPROPRIATIONS.—

"(a) DEFINITIONS.—In this section:

"(A) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere; and

"(B) the term 'City' means the City and Borough of Juneau, Alaska.''.

SEC. 5708. ACQUISITION OF AIRCRAFT FOR EXTREME WEATHER RECOGNITION.

"(a) INCREASED FLEET CAPACITY.—

(1) IN GENERAL.—The Under Secretary shall—

(2) CONTRACTS.—In carrying out paragraph (1), the Under Secretary shall negotiate and enter into 1 or more contracts or other agreements, to the extent practicable and necessary, with 1 or more governmental, commercial, or nongovernmental entities.

"(b) ACQUISITION OF AIRCRAFT TO REPLACE THE WP-3D AIRCRAFT.—

(1) IN GENERAL.—Not later than September 30, 2023, the Under Secretary shall enter into a contract for the acquisition of 6 aircraft to replace the WP-3D aircraft that provides for—

(1) the first newly acquired aircraft to be fully operational before the retirement of the last WP-3D aircraft operated by the National Oceanic and Atmospheric Administration and

(2) the second newly acquired aircraft to be fully operational not later than 1 year after the first such aircraft is required to be fully operational under subparagraph (A).

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(a) DEFINITIONS.—In this section:

"(A) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere; and

"(B) the term 'City' means the City and Borough of Juneau, Alaska.''.

SEC. 5709. REPORT ON PROFESSIONAL MARINER STAFFING MODELS.

"(a) In General.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees specified in subsection (c) a report on staffing issues relating to professional mariners within the Office of Marine and Aviation Operations of the National Oceanic and Atmospheric Administration.

(b) ELEMENTS.—The report required by subsection (a) shall include consideration of—

(1) the challenges the Office of Marine and Aviation Operations faces in recruiting and retaining qualified professional mariners;

(2) workforce planning efforts to address these challenges; and

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(a) DEFINITIONS.—In this section:

"(A) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere; and

"(B) the term 'City' means the City and Borough of Juneau, Alaska.''.

SEC. 5710. CONVEYANCE OF CERTAIN PROPERTY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION IN JUNEAU, ALASKA.

"(a) DEFINITIONS.—In this section:

"(A) the term 'Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere; and

"(B) the term 'City' means the City and Borough of Juneau, Alaska.''.

Sec. 5711. CONVEYANCE OF CERTAIN PROPERTY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION IN JUNEAU, ALASKA.
(2) MASTER PLAN.—The term “Master Plan” means the Juneau Small Cruise Ship Infrastructure Master Plan released by the Docks and Harbors Board and Port of Juneau for release by the Secretary by March 2021.

(3) PROPERTY.—The term “Property” means the parcel of real property consisting of approximately 2.4 acres, including tidelands, located in the National Oceanic and Atmospheric Administration and located at 230 Eqan Drive, Juneau, Alaska, including any improvements thereon that are not authorized or required by another provision of law to be conveyed to a specific individual or entity.

(4) Secretary.—The term “Secretary” means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

(b) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may convey, at fair market value, all right, title, and interest of the United States in and to the Property, subject to subsection (c) and the requirements of this section.

(2) TERMINATION AUTHORITY.—The authority provided by paragraph (1) shall terminate on the date that is 3 years after the date of the enactment of this Act.

(3) RIGHT OF FIRST REFUSAL.—The City shall have the right of first refusal with respect to the purchase, at fair market value, of the Property.

(c) SURVEY.—The exact acreage and legal description of the Property shall be determined by a survey satisfactory to the Secretary.

(d) CONDITION; QUIET CLAIM DEED.—If the Property is conveyed under this section, the Property shall be conveyed in an “as is, where is” condition; and via a quiet claim deed.

(e) FAIR MARKET VALUE.—(1) IN GENERAL.—The fair market value of the Property shall be—

(A) determined by an appraisal that—

(i) is conducted by an independent appraiser selected by the Secretary; and

(ii) meets the requirements of paragraph (2); and

(B) adjusted, at the Secretary’s discretion, based on the factors described in paragraph (3).

(2) APPRAISAL REQUIREMENTS.—An appraisal conducted under paragraph (1)(A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(f) FACTORS.—The factors described in this paragraph are—

(A) matters of equity and fairness;

(B) actions taken by the City regarding the Property, if the City exercises its right of first refusal under subsection (c), including—

(i) comprehensive waterfront planning, site development, and other redevelopment activities supported by the City in proximity to the Property in furtherance of the Master Plan;

(ii) in-kind contributions made to facilitate and support conveyance of the Property by governmental agencies; and

(iii) any maintenance expenses, capital improvement, or emergency expenditures made necessary to ensure public safety and access to and from the Property; and

(C) such other factors as the Secretary considers appropriate.

(g) CONVEYANCE.—If the City exercises its right of first refusal under subsection (c), all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance of the Property to the City under this section may be shared between the City and the Secretary, as determined by the Secretary, including with the City providing in-kind contributions for any or all of such costs.

(h) FAIR MARKET VALUE.—(1) IN GENERAL.—If the City exercises its right of first refusal under subsection (c), including—

(A) reinstated as it appeared on the day before the date of the enactment of section 8507(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 4754); and

(B) redesignated as the sole text of section 12 of the Act of June 21, 1949 (35 U.S.C. 522),

(B) EFFECTIVE DATE.—The provision reinstated by subsection (a) shall be treated as if such section 8507(b) had never taken effect.

(c) CONVEYANCE.—The provision reinstated under subsection (a) is amended by striking “, except to the extent provided in this section.”

SEC. 5803. TERMS AND VACANCIES.

Section 46101(b) of title 46, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “one year” and inserting “2 years”;

(B) by striking “2 terms” and inserting “3 terms”; and

(2) in paragraph (3)—

(A) by striking “of the individual being succeeded” and inserting “to which such individual is appointed”;

(B) by striking “2 terms” and inserting “3 terms”; and

(C) by striking “the predecessor of that” and inserting “such”.

TITLE LIX—RULE OF CONSTRUCTION

No nothing in this division may be construed—

(1) to satisfy any requirement for government-to-government consultation with Tribal governments; or

(2) to affect or modify any treaty or other right of any Tribal government.

DIVISION L—OCEANS AND ATMOSPHERE

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Sec. 5705. Wildfire technology modernization and sustainable use of natural resources program.
Sec. 5704. Elsewhere in the law.
Sec. 5703. Establishment of fire weather services program.
Sec. 5702. Definitions.
Sec. 5701. Short title.

Sec. 5508. Health MAP.
Sec. 5507. Marine Mammal Rescue and Response Grant Program.
Sec. 5505. Health MAP.
Sec. 5504. Data collection and dissemination.
Sec. 5503. Stranding or entanglement response.
Sec. 5502. Data collection and dissemination.
Sec. 5501. Short title.

Sec. 5605. Program and implementation of plan.
Sec. 5604. Requirement to review models and data available to the public.
Sec. 5603. Establishment of fire weather services program.
Sec. 5602. Definitions.
Sec. 5601. Short title.

Sec. 5707. Cooperation; coordination; support to non-Federal entities.
Sec. 5706. International coordination.
Sec. 5705. Wildfire technology modernization and sustainable use of natural resources program.
Sec. 5704. High-performance computing.
Sec. 5703. Establishment of fire weather services program.
Sec. 5702. Definitions.
Sec. 5701. Short title.

Sec. 5508. Health MAP.
Sec. 5507. Marine Mammal Rescue and Response Grant Program.
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Sec. 5504. Data collection and dissemination.
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Sec. 5502. Data collection and dissemination.
Sec. 5501. Short title.

Sec. 5605. Program and implementation of plan.
Sec. 5604. Requirement to review models and data available to the public.
Sec. 5603. Establishment of fire weather services program.
Sec. 5602. Definitions.
Sec. 5601. Short title.

Sec. 5707. Cooperation; coordination; support to non-Federal entities.
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Sec. 5705. Wildfire technology modernization and sustainable use of natural resources program.
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Sec. 5502. Data collection and dissemination.
Sec. 5501. Short title.

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Sec. 5604. Requirement to review models and data available to the public.
Sec. 5603. Establishment of fire weather services program.
Sec. 5602. Definitions.
Sec. 5601. Short title.

Sec. 5707. Cooperation; coordination; support to non-Federal entities.
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Sec. 5705. Wildfire technology modernization and sustainable use of natural resources program.
Sec. 5704. High-performance computing.
Sec. 5703. Establishment of fire weather services program.
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Sec. 5605. Program and implementation of plan.
Sec. 5604. Requirement to review models and data available to the public.
Sec. 5603. Establishment of fire weather services program.
Sec. 5602. Definitions.
Sec. 5601. Short title.
"(7) monitoring and responding to severe bleaching or mortality events, disease outbreaks, invasive species outbreaks, and significant maritime accidents, including chemical spills and the removal of grounded vessels;
"(8) conducting scientific research that contributes to the understanding, sustainable use, and long-term conservation of coral reefs;
"(9) enhancing public awareness, understanding, and appreciation of coral reefs and coral reef ecosystems; and
"(10) centrally archiving, managing, and distributing data sets and coral reef ecosystem assessments and publishing such information on publicly available internet websites, by means such as leveraging and partnering with existing data repositories, of—
"(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and
"(B) the Task Force.
"(c) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subsection is one of the following:
"(1) The National Oceanic and Atmospheric Administration.
"(2) The National Park Service.
"(3) The United States Fish and Wildlife Service.
"(4) The Office of Insular Affairs.

**SEC. 204. NATIONAL CORAL REEF RESILIENCE STRATEGY.**

"(a) In General.—The Administrator shall—
"(1) not later than 2 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, develop a national coral reef resilience strategy; and
"(2) periodically thereafter, but not less frequently than once every 15 years (and not less frequently than once every 5 years, in the case of guidance on best practices under subsection (b)(4)), review and revise the strategy as appropriate.
"(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:
"(1) A discussion addressing—
"(A) continuing and emerging threats to the resilience of United States coral reef ecosystems; and
"(B) remaining gaps in coral reef ecosystem research, monitoring, and assessment;
"(2) the status of management cooperation and integration among Federal reef managers and covered reef managers; and
"(3) the status of efforts to manage and disseminate critical information, and enhance interjurisdictional data sharing, related to research, reports, datasets, and maps;
"(4) areas of special focus, which may include—
"(i) improving natural coral recruitment;
"(ii) preventing available losses of corals and the enhancement of existing coral recruitment and reef fishers and management capacity at the local level; and
"(iii) enhancing the resilience of coral populations;
"(4) supporting a resilience-based management approach;
"(5) developing, coordinating, and implementing watershed management plans;
"(6) building and sustaining watershed management capacity at the local level; and
"(7) providing data essential for coral reef fisheries management;
"(8) building capacity for coral reef fisheries management;
"(9) increasing understanding of coral reef ecosystem services;
"(10) educating the public on the importance of coral reefs, threats and solutions; and
"(xi) evaluating intervention efficacy;
"(P) the status of conservation efforts, including the use of marine protected areas to serve as replenishment zones developed consistent with local practices and traditions and the scientific, technical, and management expertise and responsibilities of, covered reef managers;
"(Q) science-based adaptive management and restoration efforts; and
"(R) management of coral reef emergencies and disasters.
"(2) A statement of national goals and objectives designed to guide—
"(A) future Federal coral reef management and restoration activities authorized under section 208; and
"(B) conservation and restoration priorities for grants awarded under section 213 and cooperative agreements under section 208;
"(C) research priorities for the reef research coordination institutes designated under section 214;
"(D) a designation of priority areas for conservation, and priority areas for restoration, to support the research and approval of grants under section 213(b); and
"(E) the status of research coordination institutes designated under section 214, and recipients of grants under section 215, and recipients of grants under section 215;
"(F) solicit public review and comment regarding the scope of the draft strategy;
"(G) SUBMISSION TO CONGRESS.—The strategy required by subsection (a) shall be submitted to Congress in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).
"(b) PLANS PREPARED BY COVERED REEF MANAGERS.—
"(1) general plans prepared under paragraph (1) to the Task Force.
"(2) EFFECTIVE PERIOD.—A plan prepared under this subsection shall remain in effect for 5 years, or until an updated plan is submitted to the Task Force, whichever occurs first.
"(3) ELEMENTS.—A plan prepared under paragraph (1) by a covered reef manager shall contain a discussion of—
"(i) short- and mid-term coral reef conservation and restoration objectives within the jurisdiction of the manager;
"(ii) estimated budgetary and resource considerations necessary to carry out the plan;
"(iii) in the case of an updated plan, annual records of significant management and restoration actions taken under the previous plan, cash and non-cash resources used to undertake the actions, and the source of such resources; and
"(iv) contingencies for response to and recovery from emergencies and disasters; and
"(B) a current adaptive management framework to inform research, monitoring, and assessment needs.
"(4) Tools, strategies, and partnerships necessary to identify, monitor, and address pollution and water quality impacts to coral reef ecosystems within the jurisdiction of the manager.
"(5) the status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager.
"(6) Documentation by the Federal reef manager that the plan is consistent with the national coral reef resilience strategy in effect under section 204.
"(7) Data management plans to ensure that data, assessments, and meta-data and associated information are appropriately preserved, curated, publicly accessible, and broadly reusable.
"(8) Submission to Task Force.—Each Federal reef manager shall submit a plan prepared under paragraph (1) to the Task Force.
"(9) Application of Administrative Procedures Act.—Each plan prepared under paragraph (1) shall be subject to the requirements of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).
"(b) PLANS PREPARED BY COVERED REEF MANAGERS.—
"(1) IN GENERAL.—A covered reef manager may elect to prepare, submit to the Task Force, and maintain a coral reef action plan to guide management and restoration activities to be undertaken within the responsibilities and jurisdiction of the covered reef manager.
"(2) EFFECTIVE PERIOD.—A plan prepared under this subsection shall remain in effect for 5 years, or until an updated plan is submitted to the Task Force, whichever occurs first.
"(3) ELEMENTS.—A plan prepared under paragraph (1) by a covered reef manager shall contain a discussion of—
"(i) the status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager.
"(ii) contingency and resource considerations necessary to carry out the plan;
"(iii) in the case of an updated plan, annual records of significant management and restoration actions taken under the previous plan, cash and non-cash resources used to undertake the actions, and the source of such resources; and
"(iv) contingencies for response to and recovery from emergencies and disasters; and
"(B) a current adaptive management framework to inform research, monitoring, and assessment needs.
(iii) tools, strategies, and partnerships necessary to identify, monitor, and address pollution and water quality impacts to coral reef ecosystems within the jurisdiction of the managing agency; and
(iv) a data management plan to ensure data, assessments, and accompanying information are appropriately preserved, curated, published, and made broadly available.

(c) Technical Assistance.—The Administrator and the Task Force shall make all reasonable efforts to provide technical assistance to cover any Federal reef manager or covered reef manager developing a coral reef action plan under this section.


(1) The Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and
(2) the Task Force.

SEC. 205. CORAL REEF STewardship Partnerships.

(a) In General.—To further the community-based stewardship of coral reefs, coral reef stewardship partnerships for Federal and non-Federal coral reefs may be established, with this section—

(b) Standards and Procedures.—The Administrator shall develop and adopt—

(1) standards for identifying individual coral reefs and ecologically significant units of coral reefs; and
(2) processes for adjudicating multiple applicants for stewardship of the same coral reef or ecologically significant unit of a reef to ensure no geographic overlap in representation among stewardship partnerships authorized by this section.

(c) Restoring Federal Coral Reefs.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant unit of a reef that is fully or partially under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

(1) That Federal agency, a representative of which shall serve as chairperson of the coral reef stewardship partnership.

(2) the national or county’s resource management agency.

(3) A coral reef research center designated under section 214(b).

(4) A nongovernmental organization.

(5) Such other members as the partnership considers appropriate, such as interested stakeholder groups and covered Native entities.

(d) Membership for Non-Federal Coral Reefs.—

(1) In General.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is not under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

(A) A State or county’s resource management agency or a covered Native entity, a representative of which shall serve as the chairperson of the coral reef stewardship partnership.

(B) A coral reef research center designated under section 214(b).

(C) A nongovernmental organization.

(2) ADDITIONAL Members.—

(A) Members subject to subparagraph (B), a coral reef stewardship partnership described in paragraph (1) may also include representatives of one or more Federal agencies.

(B) Requests; Approval.—A representative of a Federal agency described in subparagraph (A) may become a member of the coral reef stewardship partnership described in paragraph (1) if—

(1) the representative submits a request to become a member of the partnership referred to in paragraph (1)(A); and

(2) the chairperson consents to the request.

(c) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coral reef stewardship partnerships under this section.

(d) Block Grants.—(1) In General.—The Administrator shall provide block grants of financial assistance to covered States to support management and restoration activities and further the implementation of coral reef action plans in effect under section 205 by covered States and non-Federal coral reef stewardship partnerships in accordance with this section. The Administrator shall review each covered State’s application for block grant funding to ensure that applications are consistent with the national coral reef resilience strategy in effect under paragraph 201.

(2) Eligibility for Additional Amounts.—

(1) In General.—A covered State shall qualify for and receive additional grant amounts beyond the base award specified in subsection (c)(1) if there is at least one coral reef action plan in effect within the jurisdiction of the covered State developed by that coral reef stewardship partnership.

(b) FUNDING FORMULA.—Subject to the availability of appropriations, the amount of each block grant awarded to a covered State under this section shall be the sum of—

(1) a base award of $100,000; and

(2) if the State is eligible under subsection (b)—

(A) an amount that is equal to non-Federal expenditures of up to $3,000,000 on coral reef management and restoration activities within the jurisdiction of the State, as reported within the previous fiscal year; and

(B) an additional amount, from any funds appropriated as grants under this section that remain after distribution under subparagraph (A) and paragraph (1), based on the proportion of the State’s share of total non-Federal expenditures on coral reef management and restoration activities, as reported within the previous fiscal year, in excess of $3,000,000, relative to other covered States.

(3) Exclusions.—For purposes of calculating block grant amounts under section 205(c), Federal or non-Federal expenditures of any covered State or non-Federal coral reef stewardship partnership shall not be considered as qualifying non-Federal expenditures, but non-Federal matching funds used to leverage Federal awards may be considered as qualifying non-Federal expenditures.

(c) RESPONSIBILITIES OF THE ADMINISTRATOR.—The Administrator shall—

(1) providing guidance on qualifying non-Federal expenditures and the proper documentation of such expenditures;

(2) issuing annual solicitations to covered States for awards under this section; and

(3) determining allocation of additional amounts among covered States in accordance with this section.
Foundation may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services) to further this title.

"(2) DEPOSITS IN FUND.—Notwithstanding section 3302 of title 31, United States Code, any funds received as a gift shall be deposited in the Fund.

"(d) ADMINISTRATION.—Under an agreement entered into pursuant to subsection (a), and subject to the availability of appropriations, the Administrator may transfer funds appropriated to carry out this title to the Foundation.

"SECTION 210. EMERGENCY ASSISTANCE.

"(a) IN GENERAL.—Notwithstanding any other provision of law, from funds appropriated pursuant to the authorization of appropriations under section 217, the Administrator may provide emergency assistance to any covered State or coral reef stewardship partnership to immediately stabilize coral reefs or coral reef ecosystems arising from any of the exigent circumstances described in subsection (b).

"(b) EXIGENT CIRCUMSTANCES.—The Administrator shall develop a list of, and criteria for, circumstances that pose an exigent threat to coral reefs, including—

"(1) new and ongoing outbreaks of disease;

"(2) new and ongoing outbreaks of invasive or nuisance species;

"(3) new and ongoing coral bleaching events;

"(4) natural disasters;

"(5) industrial or mechanical incidents, such as vessel groundings, hazardous spills, or coastal construction accidents; and

"(6) other circumstances that pose an exigent threat to coral reefs.

"(c) ANNUAL REPORT ON EXIGENT CIRCUMSTANCES.—On February 1 of each year, the Administrator shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that—

"(1) describes locations with exigent circumstances described in subsection (b) that were considered but declined for emergency assistance, and the rationale for the decision; and

"(2) with respect to each instance in which emergency assistance under this section was provided—

"(A) the location and a description of the exigent circumstances that prompted the emergency assistance, the entity that received the assistance, and the current and expected status of the assistance;

"(B) a description of activities of the National Oceanic and Atmospheric Administration that were curtailed as a result of providing the emergency assistance;

"(C) in the case of an incident described in subsection (b)(5), a statement of whether legal action was commenced under subchapter (c), and the rationale for the decision; and

"(D) an assessment of whether further action is needed to restore the affected coral reef, the recommendations for such restoration, and the cost estimate to implement such recommendations.

"SECTION 211. CORAL REEF DISASTER FUND.

"(a) AGREEMENTS.—The Administrator shall enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the 'Foundation'), authorizing the Foundation to receive, hold, and administer funds received under this section.

"(b) FUND.—

"(1) IN GENERAL.—The Foundation shall establish an account, to be known as the 'Coral Reef Disaster Fund' (in this section referred to as the 'Fund').

"(2) DEPOSITS.—The Foundation shall deposit funds received under this section into the Fund.

"(c) PURPOSES.—The Fund shall be available to the Administrator for coral reef recovery from exigent circumstances described in section 210—

"(A) in partnership with non-Federal stakeholders, including—

"(i) the national coral reef resilience strategy in effect under section 204; and

"(ii) coral reef action plans in effect; and

"(B) in a manner that is consistent with—

"(i) the national coral reef resilience strategy in effect under section 204; and

"(ii) coral reef action plans in effect.

"SECTION 212. VESSEL GROUNDING INVENTORY.

"(a) IN GENERAL.—Pursuant to an agreement entered into under subsection (a), the Foundation may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services) to further the purposes of this title.

"(b) DEPOSITS.—The Foundation shall deposit funds received under this section into the Fund.

"(c) ANNUAL REPORT ON EXIGENT CIRCUMSTANCES.—On February 1 of each year, the Administrator shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that—

"(1) describes locations with exigent circumstances described in subsection (b) that were considered but declined for emergency assistance, and the rationale for the decision; and

"(2) with respect to each instance in which emergency assistance under this section was provided—

"(A) the location and a description of the exigent circumstances that prompted the emergency assistance, the entity that received the assistance, and the current and expected status of the assistance;

"(B) a description of activities of the National Oceanic and Atmospheric Administration that were curtailed as a result of providing the emergency assistance;

"(C) in the case of an incident described in subsection (b)(5), a statement of whether legal action was commenced under subchapter (c), and the rationale for the decision; and

"(D) an assessment of whether further action is needed to restore the affected coral reef, the recommendations for such restoration, and the cost estimate to implement such recommendations.

"(d) ADMINISTRATION.—Under an agreement entered into under subsection (a), and subject to the availability of appropriations, the Administrator may transfer funds appropriated to carry out this title to the Foundation.

"SECTION 213. RUTH D. GATES CORAL REEF CONSERVATION GRANT PROGRAM.

"(a) IN GENERAL.—Except as provided in paragraphs (2) and (3), Federal or State agencies may not make a grant for projects for the conservation and restoration of coral reef ecosystems (in this section referred to as 'coral reef projects') pursuant to proposals approved by the Administrator under this section.

"(b) MATCHING REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—As provided in paragraph (2), the Administrator shall establish a (the 'Ruth D. Gates Coral Reef Conservation Grant Program') to provide grants for projects for the conservation and restoration of coral reef ecosystems (in this section referred to as 'coral reef projects') pursuant to proposals approved by the Administrator under this section.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a coral reef project may be provided by in-kind contributions and other noncash support.

"WAIVER.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which an applicant can meet the matching requirement with respect to a coral reef project and the probable benefit of the project outweighs the public interest in the matching requirement.

"(c) ELIGIBILITY.—

"(1) IN GENERAL.—An entity described in paragraph (2) may submit to the Administrator a proposal for a coral reef project.

"(2) ENTITIES DESCRIBED.—An entity described in this paragraph is—

"(A) a covered reef manager or a covered Native entity;

"(b) a regional fishery management council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

"(C) a coral reef stewardship partnership seeking to implement a coral reef action plan for a coral reef project.

"(D) a coral reef research center designated under section 214(b); or

"(E) another nongovernmental organization or research institution with demonstrated expertise in the conservation or restoration of coral reefs in practice or through significant contributions to the existing scientific research on coral reefs.

"(d) PROJECT PROPOSALS.—Each proposal for a grant under this section for a coral reef project shall include the following:

"(1) The name of the individual or entity responsible for conducting the project.

"(2) A description of the qualifications of the individual or entity responsible for conducting the project.

"(3) A succinct statement of the purposes of the project.
(4) An estimate of the funds and time required to complete the project.
(5) Evidence of support for the project by appropriate representatives of States or other local jurisdictions in which the project will be conducted.
(6) Information regarding the source and amount of matching funding available to the applicable coral reef entity.
(7) A description of how the project meets one or more of the criteria under subsection (f)(2).
(8) In the case of a proposal submitted by a coral reef stewardship partnership, a description of how the project aligns with the applicable coral reef action plan in effect under section 205.
(9) Any other information the Administrator considers to be necessary for evaluating a proposal for a grant under this subsection.

(e) Project Review and Approval.—
(1) In general.—The Administrator shall review each coral reef project proposal submitted under this section to determine if the project meets the criteria set forth in subsection (d).

(2) Prioritization of Conservation Projects.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval under subparagraphs (A) through (G) of subsection (f)(2) that are proposed to be conducted within priority areas identified for coral reef restoration by the Administrator under the national coral reef resilience strategy in effect under section 204.

(3) Prioritization of Restoration Projects.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval under subparagraphs (E) through (L) of subsection (f)(2) that are proposed to be conducted within priority areas identified for coral reef restoration by the Administrator under the national coral reef resilience strategy in effect under section 204.

(4) Review; Approval or Disapproval.—Not later than 180 days after receiving a proposal for a coral reef project under this section, the Administrator shall—

(a) request and consider written comments on the proposal from each Federal agency, State government, covered Native entity, and other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); the National Marine Sanctuary or Marine National Monument, with jurisdiction or management authority over coral reef ecosystems in suitable United States waters, including by improving habitat or promoting species recovery in the United States; and any National Marine Sanctuary or Marine National Monument, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally established priorities, unless such entities were directly involved in the development of the project proposal;

(b) provide for the merit-based peer review of the proposal and require standardized documentation for peer review;

(c) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve, disapprove, or modify the proposal; and

(d) provide written notification of that approval or disapproval, with summaries of all written comments, recommendations, and procedures of the appropriate entity that submitted the proposal, and each of those States, covered Native entity, and other government jurisdiction that provided comments under subparagraph (A).

(f) Criteria for Approval.—The Administrator may not approve a proposal for a coral reef project under this section unless the project—

(1) is consistent with—

(A) the national coral reef resilience strategy in effect under section 204; and

(B) any Federal or non-Federal coral reef action plans in effect under section 205 covering the area in which the applicable coral reef entity expects the project to be located.

(2) will enhance the conservation and restoration of coral reef ecosystems; and

(3) will promote the effectiveness of the national coral reef resilience strategy in effect under section 204.

(g) Designating Coral Reef Ecosystems.—The Administrator shall designate 2 coral reef ecosystems to be known as the ‘Atlantic Ocean Coral Reef Ecosystem’ and the ‘Pacific Ocean Coral Reef Ecosystem’, respectively.

(1) The Administrator shall designate those coral reef ecosystems consistent with the national coral reef resilience strategy in effect under section 204.

(2) Of the funds distributed to support projects that meet the criteria for approval under subparagraphs (A) through (G) of subsection (f)(2), not less than 20 percent and not more than 33 percent shall be awarded to projects that are—

(A) submitted by a coral reef stewardship partnership; and

(B) consistent with the coral reef action plan in effect under section 205 by such a partnership.

(3) Of the funds distributed to support projects in accordance with paragraph (3), not less than 20 percent and not more than 33 percent shall be awarded to projects that are—

(A) submitted by a coral reef stewardship partnership.

(h) Task Force.—The Administrator may consult with the Secretary of the Interior and the Task Force to obtain guidance in establishing priorities and evaluating proposals for coral reef projects under this section.

SEC. 214. NON-FEDERAL CORAL REEF RESEARCH.

(a) Reef Research Coordination Institute.—

(1) Establishment.—The Administrator shall designate 2 reef research coordination institutes for the purpose of advancing and sustaining essential capabilities in coral reef research, one each in the Atlantic and Pacific basins, to be known as the ‘Atlantic Reef Research Coordination Institute’ and the ‘Pacific Reef Research Coordination Institute’, respectively.

(2) Meetings.—Each institute designated under paragraph (1) shall—

(A) conduct federally directed research to fill national and regional coral reef ecosystem research gaps and improve understanding of, and responses to, continuing and emerging threats to the resilience of United States coral reef ecosystems consistent with the national coral reef resilience strategy in effect under section 204;

(B) support ecological research and monitoring to study the development and restoration activities funded by this title on promoting more effective coral reef management and restoration; and

(C) through agreements—

(i) collaborate directly with governmental resource management agencies, coral reef stewardship partnerships, nonprofit organizations, and other coral reef research centers designated under subsection (b);

(ii) assist in the development and implementation of the national coral reef resilience strategy under section 204; and

(iii) coral reef action plans under section 205;

(C) build capacity within non-Federal governmental resource management agencies to establish research priorities and
translate and apply research findings to management and restoration practices; and

(iv) conduct public education and awareness programs for policymakers, resource managers, and the general public, including:

(1) coral reefs and coral reef ecosystems;

(II) best practices for coral reef ecosystem management and restoration;

(III) the threats to the sustainability of coral reef ecosystems.

(b) Coral Reef Research Centers.—

In general.—The Administrator shall—

(A) periodically solicit applications for designation of qualifying institutions in covered States as coral reef research centers; and

(B) designate all qualifying institutions in covered States as coral reef research centers.

(2) Qualifying Institutions.—For purposes of paragraph (1), an institution is a qualifying institution if the Administrator determines that the institution—

(A) is operated by an institution of higher education or nonprofit marine research organization;

(B) has established management-driven national or regional coral reef research or restoration programs;

(C) has demonstrated abilities to coordinate closely with appropriate Federal and State agencies, as well as other academic and nonprofit organizations; and

(D) maintains significant local community engagement and outreach programs related to coral reef ecosystems.

SEC. 215. REPORTS ON ADMINISTRATION.

Not less than 3 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the House of Representatives a report on the administration of this title during the 2-year period preceding submission of the report, including—

(1) a description of all activities undertaken to implement the most recent national coral reef resilience strategy under section 204;

(2) a statement of all funds obligated under the authorities of this title; and

(3) a summary, disaggregated by State, of Federal and non-Federal contributions toward the costs of each project or activity funded under section 206 in part, under the authorities of this title.

SEC. 216. CORAL REEF PRIZE COMPETITIONS.

(a) In General.—The head of any Federal agency with a representative serving on the United States Coral Reef Task Force established by Executive Order 13089 (16 U.S.C. 6401 et seq. relating to coral reef protection), or in part, or in cooperation with one or more agencies, may individually or in cooperation with one or more agencies, carry out a program to award prizes competitively under section 206 for the development of new or improved technologies, products, or processes that control or affect coral calcification rates, tissue growth, reproduction, recruitment, abundance, coral-algae symbiosis, and biodiversity in such habitat.

(b) Covered Native Entity.—The term ‘covered Native entity’ means a Native entity of a covered State with interests in a coral reef ecosystem.

(c) Federal Reef Manager.—

(A) a management unit of a covered State with jurisdiction over a coral reef ecosystem; or

(B) a covered State; or

(c) Coral Reef Stewardship Partnership under section 206(d).


(12) Federal Reef Manager.—

(A) In General.—The term ‘Federal reef manager’ means—

(i) a management unit of a Federal agency specified in subparagraph (B) or (C) that controls, determines, or has lead management jurisdiction over a coral reef ecosystem; or

(ii) a coral reef stewardship partnership under section 206(c).

(B) Federal Agencies Specified.—A Federal agency specified in this subparagraph is one of the following:

(i) The National Oceanic and Atmospheric Administration.

(ii) The National Park Service.

(iii) The United States Fish and Wildlife Service.

(iv) The Office of Insular Affairs.

(C) Agency Jurisdiction.—Nothing in this Act shall be construed to expand the management authority of a Federal agency specified in subparagraph (B) or (C) to coral reefs or coral reef ecosystems outside the boundaries of the jurisdiction of the agency or partnership.

(13) Institution of Higher Education.—The term ‘institution of higher education’ has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(14) Interested Stakeholder Groups.—The term ‘interested stakeholder groups’ includes community members, interested stakeholders, or organizations that represent coastal businesses, commercial and recreational fishermen, other recreationalists, covered Native
entities, Federal, State, and local government units with related jurisdiction, institutions of higher education, and nongovernmental organizations.

‘(18) RESTORATION.—The term ‘restoration’ means the use of methods and procedures necessary to member appointee, or create a functioning coral reef or coral reef ecosystem, in whole or in part, within suitable waters of the historical geographic range of such ecosystems, to provide ecological, economic, cultural, or coastal resiliency services associated with healthy coral reefs and benefit native populations of coral reef organisms.

‘(19) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

‘(20) STATE.—The term ‘State’ means—

‘(A) any State of the United States that contains a coral reef ecosystem within its seaward boundaries; and

‘(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the United States Virgin Islands.

‘(21) STEWARDSHIP.—The term ‘stewardship’, with respect to a coral reef, includes conservation, restoration, and public outreach and education.


(b) CONFORMING AMENDMENT TO NATIONAL OCEANS AND COASTAL SECURITY ACT.—Section 905 of the National Oceans and Coastal Security Act (16 U.S.C. 7505(a)) is amended by striking ‘and coastal infrastructure’ and inserting ‘, coastal infrastructure, and ecosystem services provided by natural systems such as coral reefs’.

Subtitle B—United States Coral Reef Task Force

SEC. 5121. ESTABLISHMENT.

There is established a task force to lead, coordinate, and strengthen Federal Government actions to better preserve, conserve, and restore coral reef ecosystems, to be known as the ‘United States Coral Reef Task Force’ (in this subtitle referred to as the ‘Task Force’).

SEC. 5122. DUTIES.

The duties of the Task Force shall be—

1. to coordinate, in cooperation with covered States, covered Native entities, Federal reef management authorities, coral reef research centers designated under section 214(b) of the Coral Reef Conservation Act of 2000 (as amended by section 5111), and other governmental and nongovernmental partners as appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, and restoration of coral reefs and coral reef ecosystems; and

2. to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in—

(A) Executive Order 13809 (63 Fed. Reg. 32761), relating to coral reef protection; and

(B) the national coral reef resilience strategy developed under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111;

3. to work, in coordination with the other members of the Task Force—

(A) to assess the United States role in international trade and protection of coral species;

(B) to encourage implementation of appropriate conservation and sustainable use of coral reef resources worldwide; and

(C) to collaborate with international communities successful in managing coral reefs;

4. to provide technical assistance for the development and implementation, as appropriate, of—

(A) the national coral reef resilience strategy under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111; and

(B) coral reef action plans under section 205 of that Act; and

5. to produce a report each year, for submission to the appropriate congressional committees and publication on a publicly available internet website of the Task Force, highlighting the status of the coral reef equitites of a covered State on a rotating basis, including—

(A) a summary of recent coral reef management and restoration activities undertaken in that State; and

(B) updated estimates of the direct and indirect economic activity supported by, and other benefits associated with, those coral reef equitites.

SEC. 5123. MEMBERSHIP.

(a) VOTING MEMBERS.—The voting members of the Task Force shall be—

1. the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of Interior, who shall be co-chairpersons of the Task Force;

2. such representatives from other Federal agencies as the Chair, in consultation with the Under Secretary, determines appropriate; and

3. the Governor, or a representative of the Governor, of each covered State.

(b) NONVOTING MEMBERS.—The Task Force shall have the following nonvoting members:

1. a member of the South Atlantic Fishery Management Council who is designated by the Governor of Florida under section 302(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)(1));

2. a member of the Gulf of Mexico Fishery Management Council who is designated by the Governor of Florida under such section.

(c) MEMBERS OF THE WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL.—A member of the Western Pacific Fishery Management Council who is designated under such section and selected as follows:

1. for the period beginning on the date of the enactment of this Act and ending on December 31 of the calendar year during which such date of enactment occurs, the member shall be selected jointly by the governors of Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands;

2. for each calendar year thereafter, the governors of Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands shall, on a rotating basis, take turns selecting the members;

3. a member appointed by the President of the Republic of Palau.

(b) CO-CHAIRPERSONS.—In addition to their responsibilities under subsection (a), the co-chairpersons may—

1. establish working groups to better preserve, conserve, and restore coral reef ecosystems, to be known as the ‘United States Coral Reef Task Force’ (in this subtitle referred to as the ‘Task Force’).

(c) MEMBERS OF THE TASK FORCE.—The Task Force shall consist of the voting and nonvoting members of the Task Force, as applicable, of—

1. the United States Coral Reef Task Force established under section 201 of the Restoring Resilient Reefs Act of 2022;

2. the United States Coral Reef Task Force established under section 5111; and

3. the United States Coral Reef Task Force established under section 5121.

(d) NONVOTING MEMBERS.—The term ‘appropriate congressional committee’ means—
(a) the Committee on Commerce, Science, and Transportation of the Senate; and
(b) the Committee on Natural Resources of the House of Representatives.


Subtitle C—Department of the Interior Coral Reef Authorities

SEC. 5111. CORAL REEF CONSERVATION AND RESTORATION ASSISTANCE

(a) IN GENERAL.—The Secretary of the Interior may provide scientific expertise and technical assistance, and subject to the availability of appropriations, financial assistance for the conservation and restoration of coral reefs consistent with all applicable laws governing resource management in Federal, State, and Tribal waters, including—

(1) the national coral reef resilience strategy in effect under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 511;

(2) coral reef action plans in effect under section 205 of that Act, as applicable.

(b) Coral Reef Initiative.—The Secretary may establish a Coral Reef Initiative Program—

(1) to provide grant funding to support local management, conservation, and protection of coral reef ecosystems in—

(A) coastal areas of covered States; and

(B) freely Associated States;

(2) to enhance resource availability of National Wildlife Refuge System management units to implement coral reef conservation and restoration activities;

(3) to complement the other conservation and assistance activities conducted under this Act or the Coral Reef Conservation Act of 2000, as amended by section 511; and

(4) to provide other technical, scientific, and financial assistance and conduct conservation and restoration activities that advance the purposes of this title and the Coral Reef Conservation Act of 2000, as amended by section 511.

(c) Consultation With the Department of Commerce.—

(1) Coral Reef Conservation and Restoration Activities.—The Secretary of the Interior may consult with the Secretary of Commerce regarding the conduct of any activities to conserve and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of the Federal agencies specified in paragraphs (2) and (3) of section 205(c) of the Coral Reef Conservation Act of 2000, as amended by section 511.

(2) Award of Coral Reef Management Fellowship.—The Secretary of the Interior shall consult with the Secretary of Commerce to award the Susan L. Williams Coral Reef Management Fellowship under subtitle D.

(d) Authorized Appropriations.—Subject to the availability of appropriations, the Secretary of the Interior may enter into cooperative agreements with covered reef managers to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of such managers that—

(1) are consistent with the national coral reef strategy in effect under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 511; and

(2) support and enhance the success of coral reef management plans in effect under section 205 of that Act.

(2) CONSERVATION, CORAL, CORAL REEF, etc.—The terms “conservation”, “coral reef”, “covered reef manager”, “covered State”, “restoration”, and “State” have the meanings given those terms in section 218 of the Coral Reef Conservation Act of 2000, as amended by section 511.

(2) TRIBE; TRIBAL.—The terms “Tribe” and “Tribal” mean the Indian Tribes (as defined in section 4 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(2) Fellow.—The term “fellow” means a National Coral Reef Management Fellow.

(3) Fellowship.—The term “fellowship” means the National Coral Reef Management Fellowship established in section 5143.

(3) Covered Native Entity.—The term “covered Native entity” means a Native entity of a covered State with interests in a coral reef ecosystem.

(3) State.—The term “covered State” means a State with interests in a coral reef ecosystem.

(b) Term of Fellowship.—A fellowship awarded under this section shall be for a term of not more than 24 months.

(3) Qualifications.—The Secretary shall award the fellowship to individuals who have demonstrated—

(1) an intent to pursue a career in marine services and outstanding potential for such a career;

(2) leadership potential, actual leadership experience, or both;

(3) a college or graduate degree in biological science, a resource management college that confers a degree with experience that correlates with aptitude and interest for marine management, or both;

(4) proficient writing and speaking skills; and

(5) such other attributes as the Secretary considers appropriate.

(c) Matching Requirement.—The Secretary, in part, as provided in subsection (b), the non-Federal share of the costs of a fellowship under this section shall be 25 percent of such costs.

TITLES II—BOLSTERING LONG-TERM UNDERSTANDING AND EXPLORATION OF THE GREAT LAKES, OCEANS, BAYS, AND ESTUARIES

SEC. 5201. SHORT TITLE.

This title may be cited as the “Bolstering Long-term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries Act” or the “BLUE GLOBE Act.”

SEC. 5202. PURPOSE.

The purposes of this title is to promote and support—

(1) the monitoring, understanding, and exploration of the Great Lakes, oceans, bays, estuaries, and coasts; and

(2) the collection, analysis, synthesis, and sharing of data related to the Great Lakes, oceans, bays, estuaries, and coasts to facilitate science and operational decision making.

SEC. 5203. SENSE OF CONGRESS.

It is the sense of Congress that Federal agencies should optimize data collection, management, and dissemination, to the extent practicable, to maximize their impact for research, conservation, commercial, regulatory, national security, and educational benefits and to foster innovation, scientific discoveries, the development of commercial products, and the development of sound policy with respect to the Great Lakes, oceans, bays, estuaries, and coasts.

SEC. 5204. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Department of Commerce as defined in section 904(a) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting “Under Secretary of Commerce” after “Secretary”;

(2) in paragraph (1), by inserting “Under Secretary of Commerce for Oceans and Atmosphere”; and

(2) INDIGENOUS COMMUNITY.—The term “Native Corporation” includes an Indian Tribe or a Tribal organization as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5306).

(2) TERRITORY.—The term “Territory” means the Virgin Islands.

(3) CRYSTAL BAY AQUATIC RESERVE.—The term “Crystal Bay Aquatic Reserve” means the Crystal Bay Aquatic Reserve in the Kingdom of Tonga.

(3) NATIONAL CORAL REEF MANAGEMENT FELLOWSHIP.—The term “National Coral Reef Management Fellowship” means the National Coral Reef Management Fellowship established in section 5143.

(3) OFFICE.—The term “Office” means the Office of Great Lakes, Oceans, and Coasts.

(3) GOVERNMENT.—The term “Government” means the Federal Government.

(3) TERRITORY.—The term “Territory” means the Virgin Islands.

(3) RESTORATION ASSISTANCE.—The term “restoration assistance” means the assistance provided to States, Tribal Tribes, and other jurisdictions including—

(1) grants, cooperative agreements, or loans;

(2) technical assistance;

(3) training and education programs; and

(4) interagency agreements with Federal agencies to provide grants, cooperative agreements, or loans, technical assistance, training and education programs, or interagency agreements.

(4) NATIVE CORPORATION.—The term “Native Corporation” includes an Indian Tribe or a Tribal organization as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5306).

(4) PERIOD.—The term “period” means a period of time.

(4) NATIONAL WILDLIFE REFUGE.—The term “National Wildlife Refuge” means a National Wildlife Refuge as defined in the FederalActor: Spencer on DSK126QN23PROD with SENATE
(6) in paragraph (6), by striking “into Federal” and all that follows and inserting “technical, professional, and tradespeople into Federal career positions.”

(7) in paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(8) by inserting after paragraph (1) the following:

“(2) whether there is a shortage in the number of individuals with technical or trade-based skillsets or credentials suited to a career in oceanic and atmospheric data collection, processing, satellite production, or satellite operations;” and

(9) by adding at the end the following:

“(8) the Administrator and the Federal Government can take to increase diversity in the scientific workforce; and

“(9) actions the Federal Government can take to increase the hiring backlog for such workforce.”.

(b) COORDINATION.—Section 303(b) of such Act (33 U.S.C. 883c(b)) is amended by striking “Secretary of Commerce” and inserting “Secretary of Commerce and the Commissioner of the National Oceanic and Atmospheric Administration”.

(c) REPORT.—Section 303(c) of such Act (33 U.S.C. 883c(c)) is amended—

(1) by striking “the date of enactment of this Act” and inserting “the date of the enactment of the Bolstering Long-term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries Act”;

(2) by striking “Secretary of Commerce and the Commissioner of the National Oceanic and Atmospheric Administration” and inserting “Secretary of Commerce for Oceans and Atmosphere”;

(3) by striking “to each committee” and all that follows through “section 302 of this Act” and inserting “the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives”;

(d) PROGRAM AND PLAN.—Section 303(d) of such Act (33 U.S.C. 883c(d)) is amended—

(1) by striking “Administrator of the National Oceanic and Atmospheric Administration” and inserting “Secretary of Commerce for Oceans and Atmosphere”;

(2) by striking “academic partners” and all that follows and inserting “academic partners.”

SEC. 5206. ACCELERATING INNOVATION AT COOPERATIVE INSTITUTES.

(a) FOCUS ON EMERGING TECHNOLOGIES.—The Administration shall consider evaluating the goals of one or more Cooperative Institutes of the National Oceanic and Atmospheric Administration to include focusing on advancing or applying emerging technologies, which may include—

(1) applied uses and development of real-time and other advanced genetic technologies, including such technologies and applications that derive genetic material directly from environmental samples without any obvious signs of biological function or purpose;

(2) deployment of, and improvements to, the durability, maintenance, and other lifecycle concerns of advanced unmanned vehicles, such as research vessels, drones, and other research vessels that support and launch unmanned vehicles and sensors; and

(3) supercomputing and big data management, data collected through model outputs, electronic monitoring, and remote sensing.

(b) COORDINATION WITH OTHER PROGRAMS.—If appropriate, the Cooperative Institutes shall work with the Interagency Ocean Observation Committee, the regional associations that are part of the Integrated Ocean Observing System, and other ocean observing programs to coordinate technology needs and the transition of new technologies from research to operations.

SEC. 5207. BLUE ECONOMY VALUATION.

(a) MEASUREMENT OF BLUE ECONOMY INDUSTRIES.—In consultation with the heads of other relevant Federal agencies, shall establish a program to improve the collection, aggregation, and analysis of data to measure the value and impact of industries related to the Great Lakes, oceans, bays, estuaries, and coasts on the economic value of the United States, including (A) small-scale uses, living resources, marine construction, marine transportation, offshore energy development and siting including for renewable energy, offshore mineral production, ship and boat building, tourism, recreation, subsistence, commercial, recreational, and charter fishing, seafood processing, and other fishery-related businesses, aquaculture such as kelp and shellfish, and other industries the Administrator considers appropriate known as “Blue Economy” industries;

(b) COLLABORATION.—In carrying out sub-section (a), the Administrator shall—

(1) work with the Director of the Bureau of Economic Analysis and the heads of other relevant Federal agencies to develop a Coast- and Ocean Economy Satellite Account that includes national, Tribal, and State-level statistics to measure the contribution of the Great Lakes, oceans, bays, estuaries, and coasts to the overall economy of the United States; and

(2) collaborate with national and international organizations and governments to promote consistency of methods, measurements, and definitions to ensure comparability of results between countries.

(c) REPORT.—Not less frequently than once every 2 years until the date that is 20 years after the date of the enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall publish a report that—

(1) defines the Blue Economy, in coordination with Indian Tribes, academia, the private sector, nongovernmental organizations, and other relevant experts;

(2) makes recommendations for updating North American Industry Classification System (NAICS) coding and identifying codes to reflect the Blue Economy; and

(3) provides a comprehensive estimate of the value and characteristics of the Blue Economy with respect to each State and territory of the United States, including—

(A) the value and impact of—

(i) economic activities that are dependent upon the resources of the Great Lakes, oceans, bays, estuaries, and coasts; and

(ii) the population and demographic characteristics of the population along the coasts;

(iii) port and shoreline infrastructure;

(iv) the volume and value of cargo shipped by sea or across the Great Lakes;

(v) data collected from the Great Lakes, oceans, bays, estuaries, and coasts, including such data collected by businesses that purchase and commodify the data, including weather prediction and seasonal agricultural forecasting; and

(vi) military uses; and

(B) to the extent possible, the qualified value and impact of the natural capital of the Great Lakes, oceans, bays, estuaries, and coasts with respect to tourism, recreation, natural resources, and cultural heritage, including other indirect values.

SEC. 5208. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are to be authorized to carry out this title.

SEC. 5209. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out this title.

SEC. 5301. SHORT TITLE.

This title may be cited as the “Regional Ocean Partnerships Act.”

SEC. 5302. FINDINGS; SENSE OF CONGRESS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The ocean and coastal waters and the Great Lakes of the United States are foundational to the economy, security, global competitiveness, and well-being of the United States and are managed not only by the people of the United States and other countries as an important source of food, energy, economic productivity, recreation, beauty, and enjoyment.

(2) Over many years, the resource productivity and water quality of the ocean, coastal, and Great Lakes areas of the United States have been diminished by pollution, increasing population demands, economic development, and natural and man-made hazard events, both acute and chronic.

(3) The ocean, coastal, and Great Lakes areas of the United States are managed by State and Federal resource agencies and Indian Tribes and regulated on an interstate and international scale, subject to overlapping Federal authorities, thereby creating a significant need for interstate coordination to enhance regional priorities, including the economic and environmental health of these areas.

(4) Indian Tribes have unique expertise and knowledge important for the stewardship of the ocean and coastal waters and the Great Lakes of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should seek to support interstate coordination of shared regional priorities related to the management, conservation, resilience, and restoration of ocean, coastal, and Great Lakes areas, to maximize efficiencies through collaborative regional efforts by Regional Ocean Partnerships, in coordination with Federal and State agencies, Indian Tribes, and local authorities;

(2) such efforts would enhance existing and effective ocean, coastal, and Great Lakes areas as a source of food, energy, and economic productivity, recreation, beauty, and enjoyment.

(3) Regional Ocean Partnerships should collaborate with Indian Tribes based on shared regional priorities; and

(4) Regional Ocean Partnerships should coordinate with Indian Tribes.

(c) PURPOSES.—The purposes of this title are as follows:

(1) To complement and enhance voluntary efforts intended to manage, conserve, and restore ocean, coastal, and Great Lakes areas spanning across multiple State and Indian Tribe jurisdictions.

(2) To commit the United States to a comprehensive cooperative program to achieve improved water quality, and improve the productivity of living resources in oceans, coastal, and Great Lakes areas.

(3) To commit the United States to a comprehensive cooperative program to achieve improved water quality, and improve the productivity of living resources in oceans, coastal, and Great Lakes areas.

(4) To maximize opportunities to leverage support in the ocean and coastal regions.

(5) To empower States to take a lead role in managing oceans, coastal, and Great Lakes areas.

(6) To incorporate rights of Indian Tribes in the management of oceans, coasts, and Great Lakes areas.

There is hereby established the Regional Ocean Partnership program to establish a network of Regional Ocean Partnerships to achieve the purposes of this title in accordance with this Act.
Great Lakes resources and provide resources to support Indian Tribe participation in and engagement with Regional Ocean Partnerships.

(7) To enable Regional Ocean Partnerships, or designated fiscal management entities of such partnerships, to receive Federal funding to conduct the scientific research, conservation, and restoration activities, and priority coordination on shared regional priorities necessary to achieve the purposes described in paragraphs (1) through (6).

SEC. 5003. REGIONAL OCEAN PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term "coastal state" has the meaning given that term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) REGIONAL OCEAN PARTNERSHIP.—The term "Regional Ocean Partnership" means a Regional Ocean Partnership, a Regional Coastal Partnership, or a Regional Great Lakes Partnership.

(b) REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A coastal state may participate in a Regional Ocean Partnership with one or more—

(A) coastal states that share a common ocean or coastal area with the coastal state, without regard to whether the coastal states are contiguous; and

(B) States—

(i) with which the coastal state shares a common watershed; or

(ii) that would contribute to the priorities of the partnership.

(2) GREAT LAKES.—A partnership consisting of one or more coastal states bordering one or more of the Great Lakes may be known as a "Regional Coastal Partnership" or a "Regional Great Lakes Partnership".

(3) APPLICATION.—The Governor of a coastal state or the Governors of a group of coastal states may apply to the Secretary of Commerce for a partnership to receive designation as a Regional Ocean Partnership if the partnership—

(A) meets the requirements under paragraph (4); and

(B) submits an application for such designation in such manner, in such form, and containing such information as the Secretary may require.

(4) REQUIREMENTS.—A partnership is eligible for designation as a Regional Ocean Partnership if the Secretary under paragraph (3) if the partnership—

(A) is established to coordinate the management of ocean, coastal, and Great Lakes resources among State governments and Indian Tribes;

(B) focuses on the environmental issues affecting the ocean, coastal, and Great Lakes areas of the members participating in the partnership;

(C) complements existing coastal and ocean management efforts of States and Indian Tribes; and

(D) does not have a regulatory function; and

(E) is not duplicative of an existing Regional Ocean Partnership designated under paragraph (5), as determined by the Secretary.

(b) DESIGNATION OF CERTAIN ENTITIES AS REGIONAL OCEAN PARTNERSHIPS.—Notwithstanding paragraph (3) or (4), the following entities are designated as Regional Ocean Partnerships:

(A) The Gulf of Mexico Alliance, comprised of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.


(C) The Mid-Atlantic Regional Council on the Ocean, comprised of the States of New York, New Jersey, Delaware, Maryland, and Virginia.

(D) The West Coast Ocean Alliance, comprised of the States of California, Oregon, and Washington and the coastal Indian Tribes therein.

(c) GOVERNING BODIES OF REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall have a governing body.

(2) MEMBERSHIP.—A governing body described in paragraph (1)—

(A) shall be comprised, at a minimum, of voting members from each coastal state participating in the Regional Ocean Partnership, designated by the Governor of the coastal state; and

(B) may include such other members as the partnership determines appropriate.

(d) FUNCTIONS.—A Regional Ocean Partnership designated under subsection (b) may perform the following functions:

(1) Promote coordination of the actions of the agencies of coastal states participating in the partnership with the actions of the appropriate officials of Federal agencies, State governments, and Indian Tribes in developing strategies—

(A) to conserve living resources, increase valuable habitats, enhance coastal resilience and ocean management, promote ecological and economic health, and address such other issues related to the shared ocean, coastal, or Great Lakes areas as are determined to be a shared, regional priority by those states; and

(B) to manage regional data portals and develop associated data products for purposes that support the priorities of the partnership.

(2) In cooperation with appropriate Federal and State agencies, Indian Tribes, and local authorities, develop and implement specific action plans to carry out coordination goals.

(3) Coordinate and implement priority plans and projects, and facilitate science, research, monitoring, data collection, and other activities that support the goals of the partnership through the provision of grants and contracts under subsection (f).

(4) Engage, coordinate, and collaborate with relevant governmental entities and stakeholders to address ocean and coastal related matters that require interagency or intergovernmental solutions.

(5) Implement outreach programs for public information, education, and participation to foster partnerships to the resources of the ocean, coastal, and Great Lakes areas, as relevant.

(6) Develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to cross-jurisdictional issues being addressed through the coordinated activities of the partnership.

(7) Serve as a liaison with, and provide information to, international counterparts, as appropriate on priority issues for the partnership.

(e) COORDINATION, CONSULTATION, AND ENGAGEMENT.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall maintain mechanisms for coordination, consultation, and engagement with the following:

(A) The Federal Government.

(B) Indian Tribes.

(C) Nongovernmental entities, including academic organizations, nonprofit organizations, and private sector entities.

(D) Other federally mandated regional entities, including the interstate fisheries management councils, the regional associations of the National Integrated Coastal and Ocean Observation System, and relevant Marine Fisheries Commissions.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(B) may be construed as affecting any requirement to consult with Indian Tribes under Executive Order 13175 (25 U.S.C. 5301 note; relating to consultation and coordination with Indian tribal governments) or any other applicable law or policy.

(g) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) may, in coordination with existing Federal and State management programs, from amounts made available to the partnership by the Administrator or the head of another Federal agency, provide grants and enter into contracts for the purposes described in paragraph (2).

(2) GRANTS AND CONTRACTS.—The purposes described in this paragraph include any of the following:

(A) Monitoring the water quality and living resources of multi-State ocean and coastal ecosystems and ocean management efforts of States and Indian Tribes.

(B) Researching and addressing the effects of natural and human-induced environmental changes on—

(i) ocean and coastal ecosystems; and

(ii) coastal communities.

(C) Developing and executing cooperative strategies that—

(i) address regional data issues identified by the partnership; and

(ii) will result in more effective management of common ocean and coastal areas.

(g) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in coordination with the Regional Ocean Partnerships designated under subsection (b), shall submit to Congress a report on the partnerships.

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

(A) An assessment of the overall status of the work of the Regional Ocean Partnerships designated under subsection (b).

(B) An assessment of the effectiveness of the partnerships in supporting regional priorities relating to the management of common ocean, coastal, and Great Lakes areas.

(C) An assessment of the effectiveness of the strategies that the partnerships are supporting or implementing and the extent to which the priorities covered by the partnerships are being met through such strategies.

(D) An assessment of how the efforts of the partnerships support the Administration Federal and State efforts consistent with the purposes of this title.

(E) Such recommendations as the Administrator may have for improving—

(i) efforts of the partnerships to support the purposes of this title; and

(ii) collective strategies to support the purposes of this title in coordination with all relevant Federal and State entities and Indian Tribes.

(F) The distribution of funds from each partnership for each fiscal year covered by the report.

(G) AVAILABILITY OF FEDERAL FUNDS.—In addition to amounts made available to the Regional Ocean Partnerships designated under subsection (b) by the Administrator...
under this section, the head of any other Federal agency may provide grants to, enter into contracts with, or otherwise provide funding to such partnerships.

(2) Authority.—In this section establishes any new legal or regulatory authority of the National Oceanic and Atmospheric Administration or of the Regional Ocean Partnerships designated under subsection (b), other than—
(1) the authority of the Administrator to provide grants and enter into contracts; and
(2) the authority of the partnerships to provide grants and enter into contracts under subsection (f).

TITLE LIV—NATIONAL OCEAN EXPLORATION

SEC. 5401. SHORT TITLE.
This title may be cited as the "National Ocean Exploration Act".

SEC. 5402. FINDINGS.
Congress makes the following findings:

(1) The health and resilience of the ocean are vital to the security and economy of the United States and to the lives of the people of the United States.

(2) The United States depends on the ocean to regulate weather and climate, to sustain and improve the quality of life, for maritime shipping, for national defense, and for food, energy, medicine, recreation, and other services essential to the people of the United States.

(3) The prosperity, security, and well-being of the United States depend on successful understanding and stewardship of the ocean.

(4) Interdisciplinary cooperation and engagement among government agencies, research institutions, nongovernmental organizations, States, Indian Tribes, and the private sector is essential for successful stewardship of ocean and coastal environments, national economic growth, national security, and development of agile strategies that develop, promote, and use new technologies.

(5) Ocean exploration can help the people of the United States understand how to be effective stewards of the ocean and serve as catalysts and enablers for other sectors of the economy.

(6) Mapping, exploration, and characterization of the ocean provides basic, essential information to protect and restore the marine environment, stimulate economic activity, and provide security for the United States.

(7) A robust national ocean exploration program under multiple Federal agencies, Indian Tribes, the private sector, nongovernmental organizations, and academia is—
(A) essential to the interests of the United States and the Department of the Interior; and
(B) critical to reestablish the United States at the forefront of global ocean exploration and stewardship.

SEC. 5403. DEFINITIONS.
In this title:

(1) CHARACTERIZATION.—The term "characterization" refers to activities that provide comprehensive data and interpretations for a specific area of interest for the seafloor, sub-bottom, water column, or hydrologic features, such as water masses and currents, in direct support of specific research, environmental protection, resource management, policy making, or applied mission objectives.

(2) EXPLORATION.—The term "exploration" refers to activities that provide—
(A) a multidisciplinary view of an unknown or poorly understood area of the seafloor, sub-bottom, or water column; and
(B) an initial assessment of the physical, chemical, biological, and archaeological, or other characteristics of such an area.

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) MAPPING.—The term "mapping" refers to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, geologic structure, and benthic flora and fauna.

SEC. 5404. OCEAN POLICY COMMITTEE.
(a) In general.—Section 8932(c) of title 10, United States Code, is amended to read as follows:

(1) (c) SUBCOMMITTTEE.—(1) The Committee shall include—
(A) a subcommittee to be known as the ‘Ocean Science and Technology Subcommittee’;
(B) a subcommittee to be known as the ‘Ocean Resource Management Subcommittee’;
(C) the Ocean Science and Technology Subcommittee of the National Aeronautics and Space Administration; and
(D) the Ocean Science and Technology Subcommittee established under subsection (h).

(b) INDUSTRY ACCESS TO GEOSPATIAL DATA FOR MORE EFFICIENT AND INFORMED DECISION MAKING.—
(1) ESTABLISHMENT OF DOCUMENT SYSTEM.—Section 8932(b) of title 10, United States Code, is amended—
(A) in paragraph (3), by striking ‘‘and’’ at the end;
(B) in paragraph (4)(F), by striking the period at the end and inserting ‘‘; and’’; and
(C) by adding at the end the following new paragraph:

‘‘(5) for projects under the purview of the Committee, establish or designate one or more systems for ocean-related and ocean-mapping related documents prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), in accordance with subsection (h).’’.

(2) ELEMENTS.—Section 8932 of such title is amended—
(A) by redesignating subsection (h) as subsection (i); and
(B) by inserting after subsection (g) the following new subsection (h):

‘‘(h) ELEMENTS OF DOCUMENT SYSTEM.—The systems established or designated under subsection (b)(5) may include the following:’’
(A) a publicly accessible, centralized digital archive of documents described in subsection (b)(5) that are finalized after the date of the enactment of the National Ocean Exploration Act, including—
(A) environmental impact statements;
(B) environmental assessments;
(C) records of decision; and
(D) other relevant documents as determined by the lead agency on a project.

(2) GEOGRAPHIC DATA.—‘‘(2)(A) Geographic data, (2) any, contained in the documents under paragraph (1).

‘‘(3) A mechanism to retrieve information through geo-technical tools that can map and integrate relevant geospatial information, such as—
(A) Ocean Report Tools;
(B) the Environmental Studies Program Information System;
(C) Regional Ocean Partnerships; and
(D) the Integrated Ocean Observing System.‘’

SEC. 5405. NATIONAL OCEAN MAPPING, EXPLORATION, AND CHARACTERIZATION PROGRAMS.
(a) ESTABLISHMENT.—The President shall establish a council, to be known as the ‘National Ocean Mapping, Exploration, and Characterization Council’ (in this section referred to as the ‘Council’).

(b) PURPOSE.—The Council shall—
(1) identify national priorities for ocean mapping, exploration, and characterization;
(2) coordinate and facilitate activities to advance those priorities;
(3) coordinate improved processes for data compilation, management, access, synthesis, and visualization with respect to ocean mapping, exploration, and characterization, with a focus on building on existing ocean data management systems and with appropriate safeguards on the public accessibility of data to protect national security equities, as appropriate;
(4) encourage education, workforce training, and public engagement activities that—
(A) advance interdisciplinary principles that contribute to ocean mapping, exploration, research, and characterization;
(B) improve public engagement with and understanding of ocean science; and
(C) provide opportunities for underserved populations;
(5) coordinate activities as appropriate with domestic and international ocean mapping, exploration, and characterization initiatives or programs; and
(6) establish and monitor metrics to track progress in achieving the priorities set under paragraph (1).

(c) INTERAGENCY WORKING GROUP ON OCEAN EXPLORATION AND CHARACTERIZATION.
(1) ESTABLISHMENT.—The President shall establish a new interagency working group to be known as the ‘Interagency Working Group on Ocean Exploration and Characterization’.

(2) MEMBERSHIP.—The Interagency Working Group on Ocean Exploration and Characterization shall be comprised of senior representatives from Federal agencies with ocean exploration and characterization responsibilities.

(d) FUNCTIONS.—The Interagency Working Group on Ocean Exploration and Characterization shall support the Council and the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean exploration and characterization activities and associated technology development across the Federal Government, State governments, Indian Tribes, private industry, nongovernmental organizations, and academia.

(e) OVERSIGHT.—The Council shall over—
(1) the Interagency Working Group on Ocean Exploration and Characterization established under subsection (g)(1); and

(i) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Council shall develop or update and submit to the appropriate committees of Congress a plan for an integrated cross-sectoral ocean mapping, exploration, and characterization initiative.

(2) RECOMMENDATIONS.—The plan required by paragraph (1) shall—
(A) discuss the utility and benefits of ocean exploration and characterization;
(B) identify, describe, and prioritize national ocean mapping, exploration, and characterization priorities;
(C) identify and describe Federal and federally funded ocean mapping, exploration, and characterization programs;
(D) facilitate and incorporate non-Federal input into national ocean mapping, exploration, and characterization priorities;
(E) ensure effective coordination of ocean mapping, exploration, and characterization activities among programs described in subparagraph (C); and
(F) identify opportunities for combining overlapping or complementary needs, activities, and Federal agencies and non-Federal organizations relating to ocean mapping, exploration, and characterization, while not reducing benefits from existing mapping, explorations, and characterization activities;
(G) promote new and existing partnerships among Federal and State agencies, Indian Tribes, and other peoples, Department of Commerce, and non-Federal organizations to conduct or support ocean mapping, exploration, and characterization activities and technology development needs, including through coordination under section 3 of the Commercial Engagement Through Ocean Technology Act of 2018 (33 U.S.C. 1362) and the National Oceanographic Partnership Program under section 8931 of title 10, United States Code;
(H) develop a transparent and sustained outreach strategy of other domestic or international ocean exploration and characterization initiatives.

(2) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Council shall brief the appropriate committees of Congress on progress made toward meeting the national priorities described in subsection (1)(2); and
(3) RECOMMENDATIONS FOR MEETING SUCH PRIORITIES.—In paragraph (2), in the first sentence, by striking "and undersesa''; and
(4) IN GENERAL.—Section 12003(a) of such Act (33 U.S.C. 3402) is amended by—
(A) in the matter preceding paragraph (1), by inserting ``(in coordination with the Ocean Policy Committee established under section 5406 of the National Oceanic and Atmospheric Administration)'' after "Administration'';
(B) in paragraph (1)—
(i) by striking ``(a)'' and inserting "(d)''; and
(ii) by striking the Federal agencies'' and all that follows through ''and surveyed'' and inserting "Federal and State agencies, tribal governments, academia, and nongovernmental organizations, to map, explore, and characterize''; and
(iii) by inserting ''characterize,'' after ''observ"; and
(C) in paragraph (2), by striking "of the exclusive economic zone'' after ''deeper ocean regions'';
(D) in paragraph (3), by striking "voyages'' and inserting "expeditions'';
(E) in paragraph (4), by striking ''in consultation with the National Science Foundation, the appropriate committees of Congress, and the Council on Competitiveness'' and inserting ''in consultation with the National Science Foundation, the appropriate committees of Congress, and the Council on Competitiveness'';
(F) by amending paragraph (5) to read as follows:
(1) support technological innovation of the United States marine science community by promoting the development and use of new and emerging technologies for research, communication, navigation, and data collection, such as sensors and autonomous vehicles;
(2) provide training, undersea research and exploration, andCharacterization Council, to Federal and State agencies, tribal governments, academia, and nongovernmental organizations for the purpose of mapping, exploring, and characterizing the oceans and increasing the knowledge of the oceans, the Administrator may accept donations of property, data, and equipment; and
(3) pay all necessary expenses in connection with the conveyance of a gift, devise, or bequest.''.

(3) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—Section 12003 of such Act (33 U.S.C. 3402) is amended by adding at the end the following:
"(c) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—In this section, the term 'exclusive economic zone' means the zone established by Presidential Proclamation Number 5030, dated March 10, 1983 (16 U.S.C. 1453 note; relating to the exclusive economic zone of the United States of America).'';

(4) REPEAL OF OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.—Section 12004 of such Act (33 U.S.C. 3404) is repealed.

(e) EDUCATION, WORKFORCE TRAINING, AND OUTREACH.

(1) IN GENERAL.—Such Act is further amended by inserting after section 12003 the following new section 12004:
"SEC. 12004. EDUCATION, WORKFORCE TRAINING, AND OUTREACH.
"(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall—
"(1) conduct education and outreach efforts in order to broadly disseminate information to the public on the ocean, the program under section 12002; and
"(2) to the extent possible, coordinate the efforts described in paragraph (1) with the outreach strategies of other domestic or international ocean mapping, exploration, and characterization initiatives.

(b) EDUCATION AND OUTREACH EFFORTS.—Efforts described in subsection (a)(1) may include—
"(1) education of the general public, teachers, students, and ocean and coastal resource managers; and
"(2) workforce training, reskilling, and opportunities to encourage development of ocean-related sciences, technology, engineering, and mathematics (STEM) technical training programs involving secondary schools, community colleges, and universities, including minority-serving Black Colleges or Universities (within the meaning of the term ''part B institution'' under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1092)), or other minority-serving institutions (as described in section 371(a) of such Act); and
"(3) OUTREACH STRATEGY.—Not later than 180 days after the date of the enactment of
the National Ocean Exploration Act, the Administrator of the National Oceanic and Atmospheric Administration shall develop an outreach strategy to broadly disseminate information on the discoveries made by the program under section 12002.

(2) CLERICAL AMENDMENT.—The table of contents in section (b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the item relating to section 12004 and inserting the following:

“Sec. 12004. Education, workforce training, and outreach.”

(f) OCEAN EXPLORATION ADVISORY BOARD.—

(1) ESTABLISHMENT.—Section 12005(a)(1) of such Act (33 U.S.C. 3505(a)) is amended by inserting “this” before “part.”

(2) TECHNICAL AMENDMENT.—Section 12005(c) of such Act (33 U.S.C. 3505(c)) is amended by inserting “this” before “part.”

(g) Authorization of Appropriations—

Section 12006 of such Act (33 U.S.C. 3406) is amended by striking “this” part and all that follows and inserting “this part $60,000,000 for each of fiscal years 2023 through 2028.”

(h) DEFINITIONS.—Such Act is further amended by inserting after section 12006 the following:

“SEC. 12007. DEFINITIONS.

“In this part:

“(1) CHARACTERIZATION.—The terms ‘characterization’, ‘characterize’, and ‘characterizing’ refer to activities that provide comprehensive data and interpretations for a specific area of interest of the seafloor, sub-bottom, water column, or hydrologic features, such as water masses and currents, in direct support of enforcement, regulatory, research, oceanographic, and environmental protection, resource management, policymaking, or applied mission objectives.

“(2) EXPLORATION.—The term ‘exploration’, ‘exploring’, and ‘explored’ refer to activities that provide—

“(A) a multidisciplinary view of an unknown or poorly understood area of the seafloor, sub-bottom, or water column.

“(B) an initial assessment of the physical, chemical, geological, biological, archaeological, or other characteristics of such an area.

“(C) MAPPING.—The terms ‘map’ and ‘mapping’ refer to activities that provide comprehensive data and interpretations needed to understand specific research, environmental protection, resource management, policymaking, or applied mission objectives.

“(3) MAP.—The term ‘map’ or ‘mapping’ refer to activities that provide comprehensive data and interpretations needed to understand specific research, such as depth, topography, bottom type, sediment composition and distribution, underlying geologic structure, and benthic flora and fauna.”

(i) CLERICAL AMENDMENT.—The table of contents in section (b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 3121 et seq.) is repealed.

(j) CLERICAL AMENDMENT.—The table of contents in section (b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by inserting after the item relating to section 12006 the following:

“Sec. 12007. Definitions.”

SEC. 5407. REPEAL.

(a) THE NATIONAL COASTAL MAPPING PROGRAM—


(b) THE NATIONAL MARITIME MAPPING PROGRAM—

Section 5408 of such Act (33 U.S.C. 3131 et seq.) is amended by striking “the National Maritime Mapping Program” and inserting “the National Oceanic and Atmospheric Administration.”

SEC. 5408. MODIFICATIONS TO OCEAN AND COASTAL MAPPING PROGRAM OF THE NATIONAL CENRONIC AND ATMOSPHERIC ADMINISTRATION.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Section 12202(a) of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3505(a)) is amended—

(A) by striking “establish a program to develop a coordinated and integrated system” and inserting “establish and maintain a program to coordinate”;

(B) by striking “plan” and inserting “efforts”;

(C) by striking “that enhances” and all that follows and inserting “that—

“(1) enhances ecosystem approaches in decision-making and support informed time and habitat management restoration and conservancy, emergency response, and coastal resilience and adaptation;

“(2) establishes research and mapping priorities;

“(3) supports the siting of research and other platforms; and

“(4) advances ocean and coastal science.”

(2) MEMBERSHIP.—Section 12202 of such Act (33 U.S.C. 3501) is amended by striking sub-section (b) and redesignating subsection (c) as subsection (b).

(3) PROGRAM PARAMETERS.—Subsection (b) of section 12202 of such Act (33 U.S.C. 3501), as redesignated by paragraph (2), is amended—

(A) in the matter preceding paragraph (1), by striking “developing” and inserting “maintaining”;

(B) in paragraph (2), by striking “and for leveraging existing Federal geospatial services capacities and contract vehicles for efficiencies” and inserting “and for leveraging existing Federal geospatial services capacities and contract vehicles for efficiencies”;

(C) in paragraph (7), by striking “with coastal state and local government programs” and inserting “with mapping programs, in conjunction with Federal and State agencies, Tribal governments, private industry, academia, and nongovernmental organizations”;

(D) in paragraph (8), by striking “of real-time tide data and the development” and inserting “of tide data and water-level data and the development and dissemination”;

(E) in paragraph (9), by striking “;” and inserting a semicolon;

(F) in paragraph (10), by striking the period at the end and inserting “;”;

(G) in paragraph (11), by striking “(i) support—

“(A) the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code; and

“(B) the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act;”;

(i) INTERAGENCY WORKING GROUP ON OCEAN AND COASTAL MAPPING.

(1) NAME CHANGE.—The Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.) is amended—

(A) in section 12202 (33 U.S.C. 3501)—

(i) in subsection (a), by striking “Interagency Committee on Ocean and Coastal Mapping” and inserting “Interagency Working Group on Ocean and Coastal Mapping under section 12203;” and

(ii) in subsection (b), as redesignated by subsection (a)(2), by striking “Committee” and inserting “Working Group”;

(B) in section 12203 (33 U.S.C. 3502)—

(i) in the section heading, by striking “COMMITTEE” and inserting “WORKING GROUP”;

(ii) in subsection (b), in the first sentence, by striking “committee” and inserting “Working Group”;

(iii) in subsection (e), by striking “committee” and inserting “Working Group”;

(iv) in subsection (f), by striking “committee” and inserting “Working Group”;

(2) ADMINISTRATOR.—The Administrator of the National Oceanic and Atmospheric Administration shall use the Interagency Working Group on Ocean and Coastal Mapping in existence as of the date of the enactment of this Act to implement section 12203.

(3) MEMBERSHIP.—Section 12203(b) of such Act (33 U.S.C. 3502(b)) is amended—

(A) in the first sentence, by striking “senior” both places it appears and inserting “senior-level”;

(B) in the third sentence, by striking “the Minerals Management Service” and inserting “the Bureau of Ocean Energy Management”;

(C) by striking the second sentence;

(D) MEMBERS.—Section 12203(c) of such Act (33 U.S.C. 3502(c)) is amended to read as follows:

“(c) MEMBERS.—The Working Group shall be co-chaired by one representative from each of the following:

“(1) the National Oceanic and Atmospheric Administration;

“(2) The Department of the Interior;”;

(ii) SUBORDINATE GROUPS.—Section 12203(d) of such Act (33 U.S.C. 3502(d)) is amended to read as follows:

“(d) SUBORDINATE GROUPS.—The co-chairs may establish permanent or temporary subcommittees and working groups to achieve the purposes of the Working Group.

(3) CO-CHAIRS.—Section 12203(e) of such Act (33 U.S.C. 3502(e)) is amended by striking “each subcommittee and each working group” and inserting “each subordinate group”;

(4) HEARING.—Section 12203(f) of such Act (33 U.S.C. 3502(f)) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) other Federal efforts;

“(2) international mapping activities;

“(3) coastal states;

“(4) coastal Indian Tribes;

“(5) ocean acquisition and user groups through workshops, partnerships, and other appropriate mechanisms; and

“(6) representatives of nongovernmental entities.”

(8) ADVISORY PANEL.—Section 12203 of such Act (33 U.S.C. 3502(g)) is amended by striking subsection (g).

(9) FUNCTIONS.—Section 12203 of such Act (33 U.S.C. 3502), as amended by paragraph (8), is further amended by adding at the end the following:

“(g) SUPPORT FUNCTIONS.—The Working Group shall support the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act and the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean mapping activities and associated technology development across the Federal Government, State and local governments, coastal Indian Tribes, private industry, nongovernmental organizations, and academia;”.

(10) CLERICAL AMENDMENT.—The table of contents in section (b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking...
striking the item relating to section 12233 and inserting the following:

"Sec. 12233. Interagency working group on ocean and coastal mapping.

(c) BIPARTISAN REPORTS.—Section 12288 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3503) is amended—

(1) in the matter preceding paragraph (1), by striking "No later" and all that follows through "interagency working group", and inserting "Not later than 18 months after the date of the enactment of the National Ocean Exploration Act, and biennially thereafter until September 30, 2040, the Co-chairs of the Working Group, in coordination with the National Ocean Mapping, Exploration, and Characterization Council established under section 4506 of Title 43, submit to the Committee Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives;

(b) by striking paragraphs (11) and (12) and inserting the following:

"(11) an identification of any training, education, or other requirements for enrolling new approaches into the program;

(12) a progress report on the development of new and innovative technologies and applications through research and development, including cooperative or other agreements with joint or cooperative research institutions and centers and other nongovernmental entities;

(13) a description of best practices in data processing, integration, and leveraging opportunities among agencies represented on the Working Group and with coastal states, coastal Indian tribes, and nongovernmental entities;

(14) a timetable for the implementation and completion of the plan described in paragraph (2) and recommendations for integrating new approaches into the program.

(d) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—Section 12205(c) of such Act (33 U.S.C. 3504(c)) is amended—

(A) in the matter preceding paragraph (1), by striking "3" and inserting "three"; and

(B) by paragraph (4), by inserting "and uncrewed" after "sensing.

(2) PLAN.—Section 12207 of such Act (33 U.S.C. 3504) is amended—

(A) in the section heading, by striking "PLAN" and inserting "NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.

(B) by striking subsections (a), (b), and (d); and

(C) in subsection (c), by striking "NOAA Joint Ocean and Coastal Mapping Centers;".

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the item relating to section 12205 and inserting the following:

"Sec. 12205. NOAA joint ocean and coastal mapping centers.

(e) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—The Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.) is amended—

(1) by redesignating sections 12206, 12207, and 12208 as sections 12206, 12209, and 12210, respectively;

(2) by inserting after subsection 12205 the following:

"SEC. 12206. OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.

(1) In General.—Not later than one year after the date of the enactment of the National Ocean Exploration Act, the Administrator may make financial assistance awards under this section to carry out the purposes of this subtitle.

(2) Determination of the appropriate funding.

(3) Other funding award criteria as are necessary or appropriate to ensure that evaluations of proposals and decisions to award funding under this subtitle are based on objective standards applied fairly and equitably to those proposals.

(4) GISOSPATIAL SERVICES AND CONTRACT VEHICLES.—The Federal mapping services Federal mapping funding match opportunity developed under subsection (a) shall provide for the acquisition, processing, storage, and archival of new ocean and coastal mapping data in United States waters.

(b) RULES.—The Administrator shall develop administrative and procedural rules for the ocean and coastal mapping Federal funding match opportunity developed under subsection (a), to include:

(1) specific and detailed criteria that must be met by an applicant, such as: geographic overlap with pre-established priorities, number and type of project partners, benefit to the applicant, coordination with other funding opportunities, and benefit to the public;

(2) determination of the appropriate funding match amounts and mechanisms to use, such as: grants, agreements, or contracts;

(3) other funding award criteria as are necessary or appropriate to ensure that evaluations of proposals and decisions to award funding under this subtitle are based on objective standards applied fairly and equitably to those proposals.

(c) GISOSPATIAL SERVICES AND CONTRACT VEHICLES.—The Federal mapping services Federal mapping funding match opportunity developed under subsection (a) shall provide for the acquisition, processing, storage, and archival of new ocean and coastal mapping data in United States waters.

(2) in paragraph (2), by inserting "precision navigation," after "monitoring systems"; and

(3) a progress report on the development of new and innovative technologies and applications through research and development, including cooperative or other agreements with joint or cooperative research institutions and centers and other nongovernmental entities;

(14) a description of best practices in data processing, integration, and leveraging opportunities among agencies represented on the Working Group and with coastal states, coastal Indian tribes, and nongovernmental entities;

(15) an identification of any training, technology, or other requirements for enabling Federal mapping programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program; and

(16) a timetable for the implementation and completion of the plan described in paragraph (2) and recommendations for integrating new approaches into the program.

(1) AGREEMENTS.—The head of a Federal agency that is represented on the Interagency Working Group on Ocean and Coastal Mapping may enter into agreements with any other agency that is so represented to provide, on a reimbursable or nonreimbursable basis, such services as personnel, and other support services to carry out the purposes of this subtitle.

(b) FINANCIAL ASSISTANCE.—The Administrator may make financial assistance awards (grant of cooperative agreements) to any State or subdivision thereof or any public or private organization, or individual to carry out the purposes of this subtitle.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 12229 of such Act is amended by redesignating subsection (e)(1), is amended—

(1) in subsection (a), by striking "this subtitle" and all that follows and inserting "$45,000,000 for each of fiscal years 2023 through 2028;

(2) by striking paragraph (b), by striking "this subtitle" and all that follows and inserting "$65,000,000 for each of fiscal years 2023 through 2028;

(3) by striking subsection (c); and

(d) by inserting after subsection (b) the following:

"(e) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—Of amounts appropriated pursuant to subsection (a), $20,000,000 is authorized to carry out section 12206.

(g) DEFINITIONS.—

(1) OCEAN AND COASTAL MAPPING.—Paragraph (5) of section 12210 of such Act, as redesignated by subsection (e)(1), is amended by striking "processing, and management:" and inserting "processing, management, monitoring, interpretation, certification, and dissemination.

(2) COASTAL INDIAN TRIBE.—Section 12210 of such Act, as redesignated by subsection (e)(1), as amended by adding at the end the following:

"(9) COASTAL INDIAN TRIBE.—The term 'coastal Indian tribe' means an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), the land of which is located in a coastal state.

"(f) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the items relating to sections 12205 through 12208 and inserting the following:

"Sec. 12206. Ocean and coastal mapping Federal funding opportunity."

"Sec. 12207. Cooperative agreements, contracts, and grants.

"Sec. 12208. Effect on other laws.

"Sec. 12209. Authorization of appropriations.

"Sec. 12210. Definitions.

SEC. 5409. MODIFICATIONS TO HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) DEFINITIONS.—Section 302(4)(A) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892(a)(4)) is amended by inserting "hydrodynamic forecast and datum transformation models," after "nautical information databases.

(b) FUNCTIONS OF THE ADMINISTRATOR.—Section 303(b) of such Act (33 U.S.C. 892(a)(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting "precision navigation," after "promote"; and

(2) in paragraph (2) the terms "hydrodynamic forecast models" after "monitoring systems";

(c) QUALITY ASSURANCE PROGRAM.—Section 303(c) of such Act (33 U.S.C. 892(a)(3)) is amended by striking "product produced" and inserting "product or service produced or disseminated.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 306(a) of such Act (33 U.S.C. 892(a)(4)) is amended—
(1) in paragraph (1), by striking "$70,814,000 for each of fiscal years 2019 through 2023" and inserting "$71,000,000 for each of fiscal years 2023 through 2028";

(2) in paragraph (2), by striking "$25,000,000 for each of fiscal years 2019 through 2023" and inserting "$34,000,000 for each of fiscal years 2023 through 2028";

(3) in paragraph (3), by striking "$30,564,000 for each of fiscal years 2019 through 2023" and inserting "$38,000,000 for each of fiscal years 2023 through 2028";

(4) in paragraph (4), by striking "$26,800,000 for each of fiscal years 2019 through 2023" and inserting "$45,000,000 for each of fiscal years 2023 through 2028"; and

(5) in paragraph (5), by striking "$30,564,000 for each of fiscal years 2019 through 2023" and inserting "$35,000,000 for each of fiscal years 2023 through 2028".

TITLE LV—MARINE MAMMAL RESEARCH AND RESPONSE

SEC. 5501. SHORT TITLE.

This title may be cited as the “Marine Mammal Research and Response Act of 2022.”

SEC. 5502. DATA COLLECTION AND DISSEMINATION.

Section 403 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by inserting "or entangled" after "stranded";

(B) in paragraph (2), by striking "strandings," and inserting "strandings and entanglements, including unusual mortality events,;" and

(C) in paragraph (4), by striking "analyzes," and inserting "analyzes,"; and

(D) by striking subsection (c) and inserting the following:

“(c) INFORMATION REQUIRED TO BE SUBMITTED AND COLLECTED.—

“(1) DETERMINATION. After each response to a stranding or entanglement event, the Secretary shall collect (including from any staff of the National Oceanic and Atmospheric Administration) information that would directly to such an event, and shall require each stranding network participant who responds to that stranding or entanglement to submit to the Administration of the National Oceanic and Atmospheric Administration or the Director of the United States Fish and Wildlife Service—

“(A) data on the stranding event, including NOAA Form 89-861 (OMB #0648–0178), NOAA Form 89-878 (OMB #0648-0178), similar successor forms, or similar information in an appropriate format required by the United States Fish and Wildlife Service for species under its management authority;

“(B) supplemental data to the data described in subparagraph (A), which may include, as available, relevant information about—

(i) weather and tide conditions;

(ii) other nonhuman, predator, or prey activity;

(iii) morphometrics;

(iv) behavior;

(v) life history samples; or

(vi) stomach and intestinal contents; and

“(c) data and results from laboratory analysis of tissues, which may include, as appropriate and available—

(i) histopathology;

(ii) toxicology;

(iii) microbiology;

(iv) virology; or

(v) parasitology;

“(2) STRANDING NETWORK. The Secretary shall submit to the public through the Stranding Network participant shall submit—

“(A) the data described in paragraphs (1)(A) not later than 30 days after the date of a response to a stranding or entanglement event;

“(B) the compiled data described in paragraph (1)(B) not later than 30 days after the date on which the data is available to the stranding network participant;

“(C) the compiled data described in paragraph (1)(C) not later than 30 days after the date on which the laboratory analysis has been reported to the stranding network participant.

“(3) ONLINE DATA INPUT SYSTEM.—The Secretary, acting through the Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the stranding network and the Office of Evaluation Sciences of the General Services Administration, shall establish an online system and the purposes of efficient and timely submission of data described in paragraph (1).

“(d) AVAILABILITY OF DATA.—

“(1) IN GENERAL.—The Secretary shall develop a program to make information, including any data and metadata collected under paragraphs (3) or (4) of subsection (b) or subsection (c), available to researchers, stranding network participants, and the public—

“(A) to improve real-time coordination of response to stranding or entanglement events across geographic areas and between stranding coordinators;

“(B) to identify and quickly disseminate information on potential public health risks;

“(C) to facilitate integrated interdisciplinary research;

“(D) to facilitate peer-reviewed publications;

“(E) to archive regional data into a national database for future analyses; and

“(F) for education and outreach activities.

“(2) USES.—Amounts in the Fund—

“(A) to make advance, partial, or progress payments for technical assistance personnel, expenses, and travel costs incurred in acting through the Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the regional stranding networks, and the public outreach collaboration policy for stranding or entanglement events.

“(e) STANDARDS.—The Secretary, in consultation with the regional stranding networks, shall—

“(1) make publicly available guidance algorithms and protocols to ensure that data collected in accordance with this section can be archived in a form that is readily accessible and understandable to the public through the Health MAP and the Observation System; and

“(2) periodically update such guidance.

“(f) MANAGEMENT POLICY.—In collaboration with the regional stranding networks, the Secretary shall develop, and periodically update, a data management and public outreach collaboration policy for stranding or entanglement events.

“(g) AUTHORITY AGREEMENTS AND ACKNOWLEDGMENT POLICY.—The Secretary, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall include authorship agreements or other acknowledgment considerations for use of data by the public, as determined by the Secretary.

“(h) SAVINGS CLAUSE.—The Secretary shall not require submission of research data that is not described in subsection (c).

SEC. 5503. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENT.

(a) IN GENERAL.—Section 403 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421b) is amended—

(1) in the section heading by inserting “OR ENTANGLEMENT” before “RESPONSE”;

(2) in subsection (a), by striking the period at the end and inserting “;”;

(3) in subsection (b)—

(A) in paragraph (1), by striking “and” after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting “;”;

(C) by adding at the end following subsection (b) the following:

“(C) to include a description of the data management and public outreach policy established under section 402(c).”;

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) is amended by striking the item related to section 403 and inserting the following:

“Sec. 403. Stranding or entanglement response agreements.”

SEC. 5504. UNUSUAL MORTALITY EVENT ACTIVITY FUNDING.

Section 405 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421b) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) USES.—Amounts in the Fund—

“(1) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior, and dispersed among claimants based on budgets approved by the Secretary prior to expenditure—

“(A) to make advance, partial, or progress payments under contracts or other funding mechanisms for property, supplies, salaries, services, and travel costs incurred in acting in accordance with the contingency plan included as part of the applicable funding agreement and for any unusual mortality event designated under section 404(a)(2)(B)(iii); and

“(B) for reimbursing any stranding network participant for costs incurred in the collection, preparation, analysis, and transportation of marine mammal tissues and associated metadata collected with respect to an unusual mortality event for the Tissue Bank; and

“(C) for the care and maintenance of a marine mammal seized under section 405(a)(1); and

“(2) shall remain available until expended.”;

and
(2) In subsection (c)—
(A) in paragraph (2), by striking “and” at the end;
(B) in paragraph (3), by striking the period at the end and inserting a colon; and
(C) by adding at the end the following:
“(4) not more than $250,000 per year, as determined by the Secretary of Commerce, from the total amount, if any, collected as fines, penalties, or forfeitures of property by the Secretary of Commerce for violations of any provision of this Act; and
“(5) shall be received from emergency declaration grants for marine mammal conservation.”

SEC. 5505. LIABILITY.
Section 703 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1453k(b)) is amended, in the matter preceding paragraph (1), by inserting “or entanglement” after “to a stranding”; and
by striking “government” and inserting “Government”.

SEC. 5506. NATIONAL MARINE MAMMAL TISSUE BANK AND TISSUE ANALYSIS.
Section 407 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f) is amended—
(1) in subsection (c)(2)(A), by striking “the health” and inserting “mammal health and mortality of”;
and
(2) in subsection (d), in the matter preceding paragraph (1), by inserting “public” before “access”.

SEC. 5507. MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND.

(a) In General.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f) is amended—
(1) by striking the section heading and inserting “MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND”;
(2) by striking subsections (a) through (d) and subsections (f) through (h);
(3) by redesignating subsection (e) as subsection (f); and
(4) by inserting before subsection (f), as designated by paragraph (3), the following:
“(a) Definitions.—In this section:
“(1) Emergency assistance.—The term ‘emergency assistance’ means—
“(i) financial assistance provided to respond to, or that results from, an entanglement event that—
“(I) causes an immediate increase in the cost of a response, recovery, or rehabilitation that is not covered by the usual cost of a response, recovery, or rehabilitation;
“(II) is cyclical or endemic; or
“(III) involves a marine mammal that is out of the normal range for that marine mammal;
“(ii) financial assistance provided to respond to, or that results from, a stranding event or entanglement event that—
“(I) the applicable Secretary considers to be an emergency; or
“(II) with the concurrence of the applicable Secretary, a State, territorial, or Tribal government considers to be an emergency.
“(b) Exclusions.—The term ‘emergency assistance’ does not include financial assistance to respond to an unusual mortality event.
“(c) Secretary.—The term ‘Secretary’ has the meaning given that term in section 3108 of this title.
“(d) Stranding Region.—The term ‘stranding region’ means a geographic region designated by the applicable Secretary for purposes of implementing this title.
“(e) John H. Prescott Marine Mammal Rescue and Response Grant Program.—
“(f) In General.—Subject to the availability of appropriations or other funding, the applicable Secretary shall carry out a grant program, to be known as the ‘John H. Prescott Marine Mammal Rescue and Response Grant Program’ (referred to in this section as the ‘grant program’), to award grants to eligible stranding network participants or stranding network collaborators, as described in this paragraph, to carry out the purposes described in paragraph (2).
“(2) Purposes.—The purposes of the grant program are to provide for—
“(A) the recovery, care, or treatment of sick, injured, or entangled marine mammals;
“(B) responses to marine mammal stranding events that require emergency assistance;
“(C) the collection of data and samples from living or dead stranded marine mammals for scientific research or assessments regarding marine mammal health;
“(D) development of stranding network capacity, including training for emergency response, where facilities do not exist or are sparse.
“(3) Contract, Grant, and Cooperative Agreement Authority.—
“(A) In General.—The applicable Secretary may enter into a contract, grant, or cooperative agreement with any eligible stranding network participant or stranding network collaborator as the Secretary determines to be appropriate, for the purposes described in paragraph (2).
“(B) Emergency Award Flexibility.—Following a request for emergency award flexibility and analysis of the merits of and necessity for such a request, the applicable Secretary may—
“(i) amend any contract, grant, or cooperative agreement entered into under this paragraph, including provisions concerning the period of performance or
“(ii) waive the requirements under subsection (f) for grant applications submitted during the provision of emergency assistance.
“(4) Equitable Distribution of Funds.—
“(A) In General.—The Secretary shall ensure, to the extent practicable, that funds awarded under the grant program are distributed equitably among the stranding regions.
“(B) Considerations.—In determining priorities among the stranding regions under this paragraph, the Secretary may consider—
“(i) equitable distribution within the stranding regions, including the sub regions (including, but not limited to, the Gulf of Mexico);
“(ii) any episodic stranding, entanglement, or mortality events, except for unusual mortality events, that occurred in any stranding region in the preceding year;
“(iii) any data with respect to average annual stranding, entanglements, and mortality events per stranding region;
“(iv) the size of the marine mammal populations inhabiting a stranding region;
“(v) the importance of the region’s marine mammal populations to the well-being of indigeneous communities; and
“(vi) the conservation of protected, depleted, threatened, or endangered marine mammal species.
“(c) Subregions.—For the purposes of this program, priority is to be given to applications focusing on marine mammal strandings.
“(d) Application.—To be eligible for a grant under the grant program, a stranding network participant shall—
“(A) submit an application in such form and manner as the applicable Secretary prescribes; and
“(B) be in compliance with the data reporting requirements of such program, and any applicable reporting requirements of the United States Fish and Wildlife Service for species under its management jurisdiction.
“(e) Transparency.—The Secretary shall, in consultation with the Marine Mammal Commission, a representative from each of the stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science with respect to stranded marine mammals under that Department’s jurisdiction, develop criteria for awarding grants under their respective grant programs.
“(f) Limitations.—
“(A) Maximum Grant Amount.—No grant made under the grant program for a single award may exceed $150,000 in any 12-month period.
“(B) Unexpended Funds.—Any funds that have been awarded under the grant program that are not expended at the end of the 12-month period described in paragraph (A) shall remain available until expended.
“(C) Administrative Costs and Expenses.—The Secretary's administrative costs and expenses relating to managing and awarding grants under the grant program, in any fiscal year may not exceed the greater of—
“(i) 6 percent of the amounts made available each fiscal year to carry out the grant program; or
“(ii) $80,000.
“(D) Transparency.—The Secretary shall make publicly available a list of grant proposals for the upcoming fiscal year, funded grants, and requests for grant flexibility under this subsection.
“(e) Authorization of Appropriations.—
“(1) In General.—There is established in the Treasury of the United States an interest-bearing fund, to be known as the ‘Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund’ (referred to in this section as the ‘Response Fund’), with an initial balance of $7,000,000.
“(2) Use of Fund.—Amounts in the Rapid Response Fund shall be available only for use by the Secretary to provide emergency assistance.
“(f) Authorization of Appropriations.—
“(1) In General.—There is authorized to be appropriated to carry out the grant program $7,000,000 for each of fiscal years 2023 through 2028, to remain available until expended, of which for each fiscal year—
“(i) $6,000,000 shall be made available to the Secretary of Commerce; and
“(ii) $1,000,000 shall be made available to the National Marine Fishery Service.
“(2) Derivation of Funds.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated pursuant to subparagraph (A) that are enacted after the date of enactment of the Marine Mammal Research and Response Act of 2022.
“(g) John R. Geraci Marine Mammal Rescue and Rapid Response Fund.—There is authorized to be appropriated to the Rapid Response Fund $500,000 for each of fiscal years 2023 through 2028.
“(h) Acceptance of Donations.—For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, invest, retain, and use gifts, devises, and bequests without any further approval or administrative action.”.
(b) TECHNICAL EDITS.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f–1), as amended by subsection (a), is further amended in subsection (f), as redesignated by the Secretary (a)(8)—

(1) in paragraph (1)—

(A) by striking ‘‘the costs of an activity conducted with a grant under this section shall be not less than’’ and inserting ‘‘a project conducted with funds awarded under the grant program under this section shall be not less than’’; and

(B) by striking ‘‘such costs’’ and inserting ‘‘such project’’; and

(2) in paragraph (2)—

(A) by striking ‘‘an activity’’ and inserting ‘‘a project’’; and

(B) by striking ‘‘the activity’’ and inserting ‘‘the project’’;

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as amended by section 5503(b)) is amended by striking the reference to section 408(b) and inserting the following:

Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.

Sec. 5508. HEALTH MAP.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) is amended by inserting after section 408 the following:

‘‘Sec. 408A. MARINE MAMMAL HEALTH MONITORING AND ANALYSIS PLATFORM (HEALTH MAP).

‘‘(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Marine Mammal Research and Response Act of 2022, the Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall—

‘‘(1) establish a marine mammal health monitoring and analysis platform (referred to in this Act as the ‘Health MAP’);

‘‘(2) incorporate the Health MAP into the Observation System; and

‘‘(3) make the Health MAP—

‘‘(A) publicly accessible through the web portal of the Observation System; and

‘‘(B) interoperable with other national data systems or other data systems for management or research purposes, as practicable.

‘‘(b) PURPOSES.—The purposes of the Health MAP are—

‘‘(1) to promote—

‘‘(A) interdisciplinary research among individuals with knowledge and experience in marine mammal science, marine mammal veterinary and husbandry practices, medical science, and oceanography, and with other marine scientists;

‘‘(B) timely and sustained dissemination and availability of marine mammal health, stranding, entanglement, and mortality data; and

‘‘(C) identification of spatial and temporal patterns of marine mammal mortality, disease, and stranding;

‘‘(D) evaluation of marine mammal health in terms of mortality, as well as sublethal marine mammal health impacts;

‘‘(E) improved collaboration and forecasting of marine mammal and larger ecosystem health events;

‘‘(F) rapid communication and dissemination of information regarding marine mammal strandings that may have implications for human health, such as those caused by harmful algal blooms; and

‘‘(G) accessibility of data in a user friendly visual interface for public education and outreach; and

‘‘(2) to contribute to an ocean health index that incorporates marine mammal health data.

(c) REQUIREMENTS.—The Health MAP shall—

‘‘(1) integrate in situ, remote, and other marine mammal health, stranding, and mortality data, including visualizations and metadata, collected by marine mammal stranding networks, Federal, State, local, and Tribal governments, private partners, and academia; and

‘‘(2) be designed—

‘‘(A) to enhance data and information availability, including data sharing among stranding network participants, scientists, and the public within and across stranding region networks;

‘‘(B) to facilitate data and information access across scientific disciplines, scientists, and managers;

‘‘(C) to facilitate public access to national and regional marine mammal health, stranding, entanglement, and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

‘‘(D) in collaboration with input from States and stranding network participants.

‘‘(d) PROCEDURES AND GUIDELINES.—The Secretary shall—

‘‘(1) establish marine mammal health data policies, protocols, and standards for—

‘‘(C) an identification of spatial and temporal patterns of marine mammal mortality, as well as sublethal marine mammal health impacts;

‘‘(D) evaluation of marine mammal health, stranding, and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

‘‘(2) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

‘‘(B) disseminate gaps, making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

‘‘(C) maintain, update, and provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

‘‘(E) CONSIDERATION.—The Administrator of the National Oceanic and Atmospheric Administration shall—

‘‘(1) report marine mammal health data collected by stranding networks consistent with subsection (f); and

‘‘(2) in paragraph (1)—

‘‘(A) by striking ‘‘such costs’’ and inserting ‘‘a project’’; and

‘‘(B) by striking ‘‘the activity’’ and inserting ‘‘the project’’;

‘‘(C) an identification of data and reporting gaps, and the reasons for those gaps, and

‘‘(D) an analysis of how stranding and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

‘‘(D) in collaboration with input from States and stranding network participants.

‘‘(3) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

‘‘(B) disseminate gaps, making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

‘‘(C) maintain, update, and provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

‘‘(E) CONSIDERATION.—The Administrator of the National Oceanic and Atmospheric Administration shall—

‘‘(1) report marine mammal health data collected by stranding networks consistent with subsection (f); and

‘‘(2) in paragraph (1)—

‘‘(A) by striking ‘‘such costs’’ and inserting ‘‘a project’’; and

‘‘(B) by striking ‘‘the activity’’ and inserting ‘‘the project’’;

‘‘(C) an identification of data and reporting gaps, and the reasons for those gaps, and

‘‘(D) an analysis of how stranding and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

‘‘(D) in collaboration with input from States and stranding network participants.

‘‘(3) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

‘‘(B) disseminate gaps, making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

‘‘(C) maintain, update, and provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

‘‘(E) CONSIDERATION.—The Administrator of the National Oceanic and Atmospheric Administration shall—

‘‘(1) report marine mammal health data collected by stranding networks consistent with subsection (f); and

‘‘(2) in paragraph (1)—

‘‘(A) by striking ‘‘such costs’’ and inserting ‘‘a project’’; and

‘‘(B) by striking ‘‘the activity’’ and inserting ‘‘the project’’;

‘‘(C) an identification of data and reporting gaps, and the reasons for those gaps, and

‘‘(D) an analysis of how stranding and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

‘‘(D) in collaboration with input from States and stranding network participants.

‘‘(3) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

‘‘(B) disseminate gaps, making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

‘‘(C) maintain, update, and provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

‘‘(E) CONSIDERATION.—The Administrator of the National Oceanic and Atmospheric Administration shall—

‘‘(1) report marine mammal health data collected by stranding networks consistent with subsection (f); and

‘‘(2) in paragraph (1)—

‘‘(A) by striking ‘‘such costs’’ and inserting ‘‘a project’’; and

‘‘(B) by striking ‘‘the activity’’ and inserting ‘‘the project’’;

‘‘(C) an identification of data and reporting gaps, and the reasons for those gaps, and

‘‘(D) an analysis of how stranding and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

‘‘(D) in collaboration with input from States and stranding network participants.

‘‘(3) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

‘‘(B) disseminate gaps, making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

‘‘(C) maintain, update, and provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

‘‘(E) CONSIDERATION.—The Administrator of the National Oceanic and Atmospheric Administration shall—

‘‘(1) report marine mammal health data collected by stranding networks consistent with subsection (f); and

‘‘(2) in paragraph (1)—

‘‘(A) by striking ‘‘such costs’’ and inserting ‘‘a project’’; and

‘‘(B) by striking ‘‘the activity’’ and inserting ‘‘the project’’;

‘‘(C) an identification of data and reporting gaps, and the reasons for those gaps, and

‘‘(D) an analysis of how stranding and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

‘‘(D) in collaboration with input from States and stranding network participants.

‘‘(3) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

‘‘(B) disseminate gaps, making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

‘‘(C) maintain, update, and provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

‘‘(E) CONSIDERATION.—The Administrator of the National Oceanic and Atmospheric Administration shall—

‘‘(1) report marine mammal health data collected by stranding networks consistent with subsection (f); and

‘‘(2) in paragraph (1)—

‘‘(A) by striking ‘‘such costs’’ and inserting ‘‘a project’’; and

‘‘(B) by striking ‘‘the activity’’ and inserting ‘‘the project’’;

‘‘(C) an identification of data and reporting gaps, and the reasons for those gaps, and

‘‘(D) an analysis of how stranding and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

‘‘(D) in collaboration with input from States and stranding network participants.

‘‘(3) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

‘‘(B) disseminate gaps, making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

‘‘(C) maintain, update, and provide a briefing to the appropriate committees of Congress concerning that data gap analysis.
and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, and the Director of the United States Geological Survey, in consultation with the Commission, shall—

(a) make publicly available a report describing the response capabilities for sick and injured marine mammals in the Arctic region of the United States; and

(b) provide a briefing to the appropriate committees of Congress on that report.

(2) ARCTIC.—The term ‘‘Arctic’’ has the meaning given in the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(3) REQUIREMENTS.—The report under paragraph (2) shall include—

(A) a description, developed in consultation with the Fish and Wildlife Service of the Department of the Interior, of all marine mammal stranding agreements in place for the Arctic region of the United States, including species covered, response capabilities, facilities and equipment, and data collection and analysis capabilities;

(B) a list of State and local government agencies that have personnel trained to respond to marine mammal strandings in the Arctic region of the United States;

(C) an assessment of potential response and data collection partners and sources of local information and knowledge, including Aleutian and Inupiat villages;

(D) an analysis of spatial and temporal trends in marine mammal strandings and unusual mortality events that are correlated with changing environmental conditions in the Arctic region of the United States;

(E) a description of training and other resource needs to meet emerging response requirements in the Arctic region of the United States;

(F) an analysis of oiled marine mammal response and rehabilitation capabilities in the Arctic region of the United States, including personnel, equipment, facilities, training, and husbandry capabilities, and an assessment of factors that affect response and rehabilitation success rates; and

(G) recommendations to address future stranding response needs for marine mammals in the Arctic region of the United States.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–622; 86 Stat. 1027) (as amended by section 550(b)) is amended by inserting after ‘‘Marine Mammal Commission’’ the following:

(V) by redesignating paragraph (2) as paragraph (3); and

(W) by inserting, and, in unoccupied aircraft vehicles after ‘‘emissions’’; and

(X) by adding at the end the following:

(1) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress, a report containing the results of an assessment of the most recent scientific data relating to the impacts of oil on marine mammal health, mortality, and recovery of marine mammals in the Arctic region of the United States.

(2) APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act—

(A) for the Marine Mammal Health Monitoring and Analysis Platform, $140,000.

Title LVI—Volcanic Ash and Fumes

 SEC. 5601. SHORT TITLE.

This title may be cited as the ‘‘Volcanic Ash and Fumes Act of 2023.’’

 SEC. 5602. MODIFICATIONS TO NATIONAL VOLCANO EARLY WARNING AND MONITORING SYSTEM.

(a) DEFINITIONS.—Section 4 of the Volcano Hazards Reduction Act of 1974 (43 U.S.C. 701k) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2), (5), (6), (7), (8), and (9), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

(‘‘(1) the term ‘volcano’ means a mountain in the crust of the earth having a summit from which molten material, usually in eruptive form, is emitted;’’);

(3) by redesigning paragraphs (3) through (9) as paragraphs (4) through (10), respectively;

(4) by redesigning paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(5) by redesigning paragraph (13) as paragraph (14).

(b) MODIFICATIONS.—The Secretary shall, in consultation with the National Oceanic and Atmospheric Administration, the Department of Transportation, and the Federal Aviation Administration, develop, implement, and fund a Volcano Early Warning and Monitoring System that—

(1) provides early warning and monitoring of volcanic ash and fumes for aviation safety and emergency response;

(2) is supported by a network of ash concentration and dispersion models, and data collection partners and sources of volcanic ash data, to ensure that the data used to inform the early warning and monitoring system is as complete and timely as possible;

(3) is coordinated and integrated with the National Oceanic and Atmospheric Administration’s National Volcanic Ash Advisory Centers; and

(4) is accessible to all stakeholders, including the aviation community, Federal Government officials, scientists, and the general public.

Title LVI—Volcanic Ash and Fumes

 SEC. 5601. SHORT TITLE.

This title may be cited as the ‘‘Volcanic Ash and Fumes Act of 2023.’’

 SEC. 5602. MODIFICATIONS TO NATIONAL VOLCANO EARLY WARNING AND MONITORING SYSTEM.

(a) DEFINITIONS.—Section 4 of the Volcano Hazards Reduction Act of 1974 (43 U.S.C. 701k) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2), (5), (6), (7), (8), and (9), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

(‘‘(1) the term ‘volcano’ means a mountain in the crust of the earth having a summit from which molten material, usually in eruptive form, is emitted;’’);

(3) by redesigning paragraphs (3) through (9) as paragraphs (4) through (10), respectively;

(4) by redesigning paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(5) by redesigning paragraph (13) as paragraph (14).

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(2) is supported by a network of ash concentration and dispersion models, and data collection partners and sources of volcanic ash data, to ensure that the data used to inform the early warning and monitoring system is as complete and timely as possible;

(3) is coordinated and integrated with the National Oceanic and Atmospheric Administration’s National Volcanic Ash Advisory Centers; and

(4) is accessible to all stakeholders, including the aviation community, Federal Government officials, scientists, and the general public.
amendments made by this Act during the 5-year period beginning on the date on which the plan is developed.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include an estimate of the cost and schedule required for the implementation described in such paragraph.

(3) PUBLIC AVAILABILITY.—Upon completion of the plan, under paragraph (1), the Secretary of Commerce shall make the plan publicly available.

TITLE LVII—WILDFIRE AND FIRE WEATHER PREPAREDNESS

SEC. 5701. SHORT TITLE. This title may be cited as the “Fire Ready Nation Act of 2022.”

SEC. 5702. DEFINITIONS. In this title:

(1) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(3) EARTH SYSTEM MODEL.—The term “Earth system model” means a mathematical model containing all relevant components of the Earth, namely the atmosphere, oceans, land, cryosphere, and biosphere.

(4) FIRE ENVIRONMENT.—The term “fire environment” means—

(A) the environmental conditions, such as soil moisture, vegetation, topography, snowpack, atmospheric temperature, moisture, and wind, that influence—

(i) fuel and fire behavior; and

(ii) smoke dispersion and transport; and

(B) the associated environmental impacts occurring during and after fire events.

(5) FIRE WEATHER.—The term “fire weather” means the weather conditions that influence the start, spread, character, or behavior of wildfires or fires at the wildland-urban interface and relevant meteorological and chemical phenomena, including air quality, smoke, and meteorological parameters such as relative humidity, air temperature, wind direction, and, atmospheric composition and chemistry, including emissions and mixing heights.

(6) IMPACT-BASED DECISION SUPPORT SERVICES.—The term “impact-based decision support services” means forecast advice and interpretative services the Administration provides to help core partners, such as emergency management, public safety officials, make decisions when weather, water, and climate impact the lives and livelihoods of the people of the United States.

(7) INTERSEASONAL.—The term “interseasonal” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501).

(8) INTERSEASONAL.—The term “Secretary” means the Secretary of Commerce.

(9) SMoke.—The term “smoke” means emissions, including the gases and particles released into the air as a result of combustion.

(10) STATE.—The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United State Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

(11) SUBSEASONAL.—The term “subseasonal” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501).

(12) TRIBAL GOVERNMENT.—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, or any combination thereof, (i) that establishes independent reservation government, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act paragraph (1) in the Federal Register; and (ii) that is recognized under Indian Tribe Act of 1934 (25 U.S.C. 460a).

(13) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.

(14) WEATHER ENTERPRISE.—The term “weather enterprise” has the meaning given that term in section 101 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501).

(15) WILDFIRE.—The term “wildfire” means any non-structure fire that occurs in vegetation or natural fuels, originating from an unplanned ignition.

(16) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” means the area, zone, or region of transition between unoccupied or undeveloped land and human development where structures and other human developments intermingle with undeveloped wildland or vegetative fuels.

SEC. 5703. ESTABLISHMENT OF FIRE WEATHER SERVICES PROGRAM

(a) IN GENERAL.—The Under Secretary shall establish and maintain a coordinated fire weather services program among the offices of the Administration in existence as of the date of the enactment of this Act and designated by the Under Secretary.

(b) PROGRAM FUNCTIONS.—The functions of the program established under subsection (a), consistent with the priorities described in section 101 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501), shall be—

(1) to support readiness, responsiveness, understanding, and overall resilience of the United States to wildfires, fire weather, smoke, and other associated conditions, hazards, and impacts in built and natural environments and at the wildland-urban interface;

(2) to collaboratively develop and disseminate accurate, precise, effective, and timely risk communications, forecasts, watches, and warnings relating to wildfires, fire weather, smoke, and other conditions, hazards, and impacts, as applicable, with Federal land management agencies;

(3) to partner with and support the public, Federal, Tribal, state, and local governments, and academic and local partners through the development of capabilities, impact-based decision support services, and overall service delivery and utility;

(4) to conduct and support research and development of new and innovative models, technologies, techniques, products, systems, programs, and policies to improve understanding of wildfires, fire weather, air quality, and the fire environment;

(5) to develop strong research-to-operation and operations-to-research transitions, in order to facilitate delivery of products, services, and tools to operational users and platforms; and

(6) to develop, in coordination with Federal land management agencies and the Armed Forces, as appropriate, impact-based decision support services that operationalize and integrate the functions described in paragraphs (1) through (5) in order to provide comprehensive impact-based decision support services that encompass the fire environment;

(c) PROGRAM PRIORITIES.—In developing and implementing the program established under subsection (a), the Under Secretary shall prioritize—

(1) development of a fire weather-enabled Earth system model and data assimilation system that:

(A) are capable of prediction and forecasting across relevant spatial and temporal timescales;

(B) include variables associated with fire weather, air quality from smoke, and the fire environment;

(C) improve understanding of the connections between fire weather and modes of climate variability; and

(D) incorporate emerging techniques such as artificial intelligence, machine learning, and cloud computing;

(2) advancement of existing and new observational capabilities, including satellite-, airborne-, air-, and ground-based systems and technologies and social networking and other public information-gathering applications that—

(A) identify—

(i) high-risk pre-ignition conditions; and

(ii) conditions that influence fire behavior and spread including those conditions that sustain active fire events; and

(iii) fire risk values; and

(B) support real-time notification and monitoring of ignitions;

(C) support observations and data collection of fire weather and fire environment variables, including smoke, for development of the model and systems under paragraph (1);

(D) support forecasts and advancing understanding and research of the impacts of wildfires; on military activities, human health, ecosystems, climate, transportation, and economies; and

(E) development and implementation of advanced and user-oriented impact-based decision tools, science, and technologies that—

(A) ensure real-time and retrospective data, products, and services are findable, accessible, interoperable, usable, inform further research, and are analysis- and decision-ready;

(B) provide targeted information throughout the fire lifecycle including pre-ignition, detection, forecasting, post-fire, and monitoring phases; and

(C) support early assessment of post-fire hazards, such as air quality, debris flows, mudslides, and flooding.

(d) PROGRAM ACTIVITIES.—In developing and implementing the program established under subsection (a), the Under Secretary may—

(1) conduct relevant physical and social science research activities in support of the functions described in subsection (b) and the priorities described in subsection (c);

(2) conduct relevant activities, in coordination with Federal land management agencies and Federal science agencies, to assess fuel characteristics, including moisture, loading, and other parameters used to determine fire risk, ignition potential, and outlook; and

(3) support and conduct research that assesses impacts to marine, riverine, and other relevant ecosystems, which may include forest and rangeland ecosystems, resulting from activities associated with mitigation of and response to wildfires;

(4) support and conduct attribution science research relating to wildfires, fire weather, fire risk, smoke, and associated conditions, risks, and impacts;

(5) develop smoke and air quality forecasts, forecast guidance, and prescriptive burn weather forecasts, and conduct research on the impact of such forecasts on response behavior that minimizes health-related impacts from smoke exposure.

(6) use, in coordination with Federal land management agencies, wildland fire resource
intelligence to inform fire environment impact-based decision support products and services for safety;
(7) work with Federal agencies to provide data, (or services known as the ‘determinations by such agencies for the implementation of mitigation measures;
(8) provide training and support to ensure effective implementation of impact-based decision support products and guidance to the public regarding actions needing to be taken;
(9) provide comprehensive training to ensure staff of the program established under subsection (a) is properly equipped to deliver the impact-based decision support products and services described in paragraphs (1) through (6); and
(10) acquire through contracted purchase private sector-produced observational data to fill identified gaps, as needed.
(e) COLLABORATION; AGREEMENTS.—
(1) COLLABORATION.—The Under Secretary shall, as the Under Secretary considers appropriate, collaborate with and consult with partners in the weather and climate enterprises, academic institutions, States, Tribal governments, local partners, and Federal agencies, including management agencies, and entities, in the development and implementation of the program established under subsection (a).
(2) AGREEMENTS.—The Under Secretary may enter into agreements in support of the functions described in subsection (b), the priorities described in subsection (c), the activities described in subsection (d), and the activities carried out under section 5708.
(f) PROGRAM ADMINISTRATION PLAN.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Under Secretary shall submit to the appropriate committees of Congress a plan that details how the program established under subsection (a) will be administered and governed within the Administration.
(2) ELEMENTS.—The plan required by paragraph (1) should include a description of—
(A) how the functions described in subsection (b), the priorities described in subsection (c), the activities described in subsection (d), and the activities carried out under section 5708 will be distributed among the line offices of the Administration; and
(B) the mechanisms in place to ensure seamless coordination among those offices.
SEC. 5704. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DATA MANAGEMENT.
Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—
(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and
(2) by inserting after subsection (e) the following:
“(f) DATA AVAILABILITY AND MANAGEMENT.—
“(1) IN GENERAL.—The Under Secretary shall—
“(A) make data and metadata generated or collected by the National Oceanic and Atmospheric Administration that the Under Secretary has the legal right to redistribute fully and openly available, in accordance with chapter 35 of title 44, United States Code, and the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115–435; 132 Stat. 5529) and the amendments made by that Act, and preserve and curate such data and metadata, in accordance with chapter 31 of title 44, United States Code (commonly known as the ‘Federal Records Act of 1950’), in order to maximize use of such data and metadata; and
“(B) manage and steward the access, archiving, and preservation activities for the data and metadata described in subparagraph (A) by—
“(i) using—
“(I) enterprise-wide infrastructure, emerging technologies, commercial partnerships, and the skilled workforce needed to provide appropriate data management from collection to broad use and dissemination;
“(II) associated information services; and
“(ii) pursuing the maximum interoperability of data and information by—
“(I) leveraging existing knowledge, and tools from across the Federal Government to support equitable access, cross-sectoral collaboration and innovation, and local planning and decision making; and
“(II) developing standards and practices for the adoption and citation of digital object identifiers for datasets, models, and analytical tools.
“(2) COLLABORATION.—In carrying out this subsection, the Under Secretary shall collaborate with such Federal partners and stakeholders as the Under Secretary considers relevant—
“(A) to develop standards to pursue maximum interoperability of data, information, knowledge, and tools across the Federal Government, convert historical records into common digital formats, and improve access and usability of data by partners and stakeholders;
“(B) to identify and solicit relevant data from Federal and international partners and other relevant stakeholders, as the Under Secretary considers appropriate.
“(C) to develop standards and practices for the adoption and citation of digital object identifiers for datasets, models, and analytical tools;
“(D) to ensure that, to the maximum extent possible, data access and distribution is compatible with national security equities.
“SEC. 5705. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OTHER SERVICES AND DATA MANAGEMENT.
(a) IN GENERAL.—The Under Secretary shall—
“(1) DIGITAL FORECASTING.—The Under Secretary shall develop and maintain a comprehensive, centralized, and publicly accessible digital presence designed to promote findability, accessibility, interoperability, usability, and utility of the services, tools, data, and information produced by the program established under section 5703(a).
“(2) DIGITAL PLATFORM AND TOOLS.—In carrying out paragraph (1), the Under Secretary shall seek to ensure the digital platform and tools of the Administration integrate data, information, and related support tools, data, and metadata. In carrying out paragraph (1), the Under Secretary shall develop and implement internet-based tools, such as webpages and smartphone and other mobile applications, to increase utility and access to services and products for the benefit of users.
“SEC. 5706. HIGH PERFORMANCE COMPUTING.
(a) IN GENERAL.—The Under Secretary shall—
“(1) make data and metadata generated or collected by the National Oceanic and Atmospheric Administration that the Under Secretary has the legal right to redistribute fully and openly available, in accordance with chapter 35 of title 44, United States Code, and the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115–435; 132 Stat. 5529) and the amendments made by that Act, and preserve and curate such data and metadata, in accordance with chapter 31 of title 44, United States Code (commonly known as the ‘Federal Records Act of 1950’), in order to maximize use of such data and metadata; and
“(2) manage and steward the access, archiving, and preservation activities for the data and metadata described in subparagraph (A) by—
“SEC. 5707. GOVERNMENT ACCOUNTABILITY OF FISCAL REPORT ON FIRE WEATHER—
(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the program established under section 5703(a).
(b) ELEMENTS.—The report required by subsection (a) shall—
(1) evaluate the performance of the program by establishing initial baseline capability and tracking progress made toward fully operationalizing the functions described in section 5703(b); and
(2) include such other recommendations as the Comptroller General considers appropriate to improve the program.
“SEC. 5708. FIRE WEATHER TESTBED.
(a) ESTABLISHMENT OF FIRE WEATHER TESTBED.—The Under Secretary shall establish a fire weather testbed that enables engagement across the Federal Government, State and local governments, academia, private and federally funded research laboratories, the private sector, and end-users in order to evaluate the accuracy and usability of technology, models, fire weather products and services, and other research to accelerate the implementation, transition to operations, and use of new capabilities by the Administration, Federal and land management agencies, and other relevant stakeholders.
(b) UNCREWED AIRCRAFT SYSTEMS.—
(1) IN GENERAL.—The Under Secretary shall—
“(A) research and assess the role and potential of uncrewed aircraft systems to improve data collection in support of modeling, observations, predictions, forecasts, and impact-based decision support services;
“(B) transition uncrewed aircraft systems technologies from research to operations as the Under Secretary considers appropriate; and
“(C) coordinate with other Federal agencies that may be developing uncrewed aircraft systems and related technologies to meet the challenges of wildland fire management.
“(2) D IGITAL PLATFORM AND TOOLS.—In carrying out subsection (a), the Under Secretary shall seek to ensure the digital platform and tools of the Administration integrate data, information, and related support tools, data, and metadata. In carrying out paragraph (1), the Under Secretary shall conduct pilots of uncrewed aircraft systems technologies from research to operations as the Under Secretary considers appropriate, including—
“(A) testing of uncrewed systems in approximations of real-world scenarios; assessment of the utility of meteorological data collected from fire response and assessment aircraft;
“(B) input of the collected data into appropriate databases to predict and forecast fire behavior, including coupled atmosphere and fire models; and
“(C) collection of best management practices for deployment of aircraft systems and other remote data technology, including for communication and coordination between the stakeholders described in subsection (a).
“(3) PROHIBITION.—
“(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the Under Secretary may not acquire uncrewed aircraft system that is manufactured or assembled by a covered foreign entity, which includes associated elements (consisting of communication links and the components that control the uncrewed aircraft) that are required for the operator to operate safely and efficiently in the national air-traffic system. The Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.
“(B) UNCREWED AIRCRAFT SYSTEMS.—In consultation with the Secretary of Homeland Security, is exempt from the prohibition under subparagraph (A) if the operation or use of the uncrewed aircraft system is necessary for the purpose of marine or atmospheric science or management.
CWAVER.—The Under Secretary may waive the prohibition under subparagraph (A) on a case-by-case basis—
(i) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and
(ii) upon notification to Congress.

DEFINITIONS.—In this paragraph:
(1) ANNUAL POST-FIRE-WEATHER SEASON SURVEY.—The term "covered foreign entity" means an entity included on a list developed and maintained by the Federal Acquisition Security Council.
(2) CENSUS.—The Under Secretary shall conduct a post-fire-weather season survey and assessment—
(A) to increase the number of post-wildfire community impact studies, including by surveying individual and collective responses and incorporating other applicable topics of social science research.
(B) ANNUAL BRIEFING.—Not less frequently than once each year, the Under Secretary shall provide a briefing to the appropriate committees of Congress that provides—
(i) an overview of the fire season; and
(ii) an outlook for the fire season for the coming year.
(C) COORDINATION.—In conducting any survey or assessment under this section, the Under Secretary shall coordinate with Federal agencies, Tribal governments, private entities, and such institutions of higher education as the Under Secretary considers relevant in order to—
(i) improve operations and collaboration; and
(ii) optimize data collection, sharing, integration, assimilation, and dissemination.
(D) DATA AVAILABILITY.—The Under Secretary shall make the data and findings obtained from each assessment conducted under this section available to the public in a machine-readable, digital format as soon as practicable after conducting the assessment.
(E) SERVICE IMPROVEMENTS.—The Under Secretary shall make best efforts to incorporate survey results and recommendations of each assessment conducted under this section into the research and development plan and operations of the Administration.

SEC. 5750. INCIDENT METEOROLOGIST SERVICE.

ESTABLISHMENT.—The Under Secretary shall establish and maintain an Incident Meteorologist Service within the National Weather Service (in this section referred to as the "Service").

INCLUSION OF EXISTING INCIDENT METEOROLOGISTS.—The Service shall include—
(i) the incumbent of the role of meteorologist of the Administration as of the date of the enactment of this Act; and
(ii) such incident meteorologists of the Administration as may be appointed after such date.

FUNCTIONS.—The Service shall provide—
(A) on-site impact-based decision support services to Federal, State, Tribal government, and local government emergency response agencies preceding, during, and following wildland fires or other events that threaten system reliability, system impacts and extreme weather events; and
(B) support to Federal, State, Tribal government, and local government decision makers, partners, and stakeholders for seasonal planning.

DEPLOYMENT.—The Service shall be deployed—
(i) as determined by the Under Secretary; or
(ii) at the request of the head of another Federal agency and with the approval of the Under Secretary.

STAFFING AND RESOURCES.—In establishing and maintaining the Service, the Under Secretary shall identify, acquire, and maintain sufficient staffing and resources to meet user needs.

SYMBOL.—In general.—The Under Secretary may—
(A) create, adopt, and publish in the Federal Register a symbol for the Service; and
(B) restrict the use of such symbol as appropriate.

USE OF SYMBOL.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

CONTRACT AUTHORITY.—The Under Secretary may award contracts for the creation of symbols under this subsection.

OFFENSE.—It shall be unlawful for any person—
(A) to represent themselves as an official of the Service absent the designation or approval of the Under Secretary;
(B) to manufacture, reproduce, or otherwise use any symbol adopted by the Under Secretary under this subsection, including to sell any item bearing such a symbol, unless authorized by the Under Secretary;
(C) to violate any regulation promulgated by the Under Secretary under this subsection.

SUPPORT FOR INCIDENT METEOROLOGISTS.—The Under Secretary shall—
(A) create, adopt, and publish in the Federal Register a symbol for the Service; and
(B) provide resources, access to real-time fire weather forecasts, training, administrative and logistical support, professional counseling and other forms of support as the Under Secretary considers appropriate for the betterment of the emotional and mental health and well-being of meteorologists and other employees of the Administration involved with response to high-impact and extreme fire weather events.

SEC. 5711. AUTOMATED SURFACE OBSERVING SYSTEM.

JOINT ASSESSMENT AND PLAN.—In general.—The Under Secretary, in collaboration with the Administrator of the Federal Aviation Administration and the Secretary of Defense shall—
(A) conduct an assessment of resources, personnel, procedures, and activities necessary to maximize the functionality and utility of the automated surface observing system of the United States that identifies—
(i) key system upgrades needed to improve observation quality and utility for weather forecasting, aviation safety, and other users; and
(ii) improvements needed in observations within the planetary boundary layer, including mixing height;
(B) improvements needed in public accessibility of observations;
(C) improvements needed to reduce latency in reporting of observational data;
(D) relevant data to be collected for the production of forecast guidance relating to atmospheric composition, including particulate and air quality data, and aviation safety; and
(E) areas of concern regarding operational continuity and reliability of the system, which may include needs for on-call staff, particularly in remote and rural areas and other areas where system failure would have the greatest negative impact to the community; and
(vi) stewardship, data handling, data distribution, and product generation needs arising from upgrading and changing the automated surface observing systems; and
(vii) possible solutions for areas of concern identified under clause (vi), including with respect to the development and acquisition of backup systems, power and communication system reliability, staffing needs and personnel location, and the acquisition of critical components and infrastructure to ensure rapid system repair necessary to ensure system operational continuity; and
(ix) research, development, and transition to technologies and systems needed to enhance data collection, quality control, and distribution so that the data are provided to
models, users, and decision support systems in a timely manner; and
(B) develop and implement a plan that ad-
dresses the findings of the assessment con-
ducted under subparagraph (A), including by
seeking and allocating resources necessary to
ensure that system upgrades are standard-
ized across the Administration, the Federal
Aviation Administration, and the Depart-
ment of Defense to the extent practical.
(2) STANDARDIZATION.—Any system stand-
ardization implemented under paragraph (1) by
the Administrator, in collaboration with relevant Federal agencies
and the National Interagency Fire Center,
shall assess and develop cooperative agree-
ments on the development of national
interoper-
ability standards, operations, and placement
of remote automatic weather stations for the purpose of improving utility and coverage of remote
weather stations, automa-
ted surface observation systems, smoke
monitoring platforms, and other similar sta-
tions and systems for weather and climate
operations.
(b) REPORT TO CONGRESS.—
(1) IN GENERAL.—Not later than 2 years
after the enactment of this Act, the Under Secretary, in collabo-
ration with the Administrator of the Federal Aviation
Administration and the Secretary of De-
fense, the appropriate com-
mittees of Congress a report that—
(A) details the findings of the assessment
required by subparagraph (A) of subsection
(a)(1); and
(B) the plan required by subparagraph (B) of
such subsection.
(2) ELEMENTS.—The report required by para-
graph (1) shall include a detailed assess-
ment of appropriations required—
(A) to address the findings of the assess-
ment required by subparagraph (A) of sub-
section (a)(1); and
(B) to implement the plan required by sub-
paragraph (B) of such subsection.
(c) GOVERNMENT ACCOUNTABILITY OFFICE
REPORT.—Not later than 4 years after the
date of the enactment of this Act, the Com-
ptroller General of the United States shall submit to
Congress a report that—
(1) evaluates the functionality, utility, re-
liability, and operational status of the auto-
mated surface observing system across the Admin-
istration, the Federal Aviation Ad-
ministration, and the Department of De-
fense;
(2) evaluates the progress, performance, and implementa-
tion status of the plan required by sub-
paragraph (a)(1)(B);
(3) assesses the efficacy of cross-agency
collaboration and stakeholder engagement in
carrying out the plan and provides rec-
ommendations to improve such activities;
(4) evaluates the operational continuity and
reliability of the system, particularly in remote
and wildland fire areas where sys-
tem failure would have the greatest negative
impact to the community, and provides rec-
ommendations to improve such continuity and reliability;
(5) assesses Federal coordination regarding
the remote automatic weather station net-
work, air resource advisors, and other Fed-
eral observing assets used for weather and climate
modeling and response activities, and
provides recommendations for improve-
ments; and
(6) includes such other recommendations as the Comptroller General determines are appro-
imate to improve the system.
SEC. 5712. EMERGENCY RESPONSE ACTIVITIES.
(a) In this section:
(1) BASIC PAY.—The term ‘‘basic pay’’ in-
cludes any applicable locality-based com-
parability payment under section 5304 of
the law under section 5305 of such title, or any equivalent payment under a similar compensa-
tion or pay plan.
(2) COVERED EMPLOYEE.—The term ‘‘cov-
ered employee’’ means an employee of the Department of Agriculture, the Department of the
Interior, or the Department of Com-
merce.
(3) COVERED SERVICES.—The term ‘‘covered
services’’ means services that are performed
by or improve individual units of the system.
(B) as a wildland firefighter or a fire man-
gagement response official, including a re-
gional fire management, a deputy regional fire
director, and a fire management officer;
(B) as an incident meteorologist accom-
ppanying a wildland firefighter crew; or
(C) as an incident management team, at the
National Interagency Fire Center, at a
Geographic Area Coordinating Center, or at
an operations center.
(4) PREMIUM PAY.—The term ‘‘premium pay’’ means premium pay paid under a pro-
vision of law described in the matter preceding paragraph (1) of section 5547(a) of title 5,
United States Code.
(d) PLAN TO ADDRESS NEEDS.—
(1) DEVELOPMENT AND IMPLEMENTATION.—
Not later than March 30, 2023, the Secre-
taries referred to in subsection (a)(6), in con-
sultation with the Director of the Office of
Management and Budget and the Director of the Office of Personnel Management, shall
jointly develop and implement a plan that
addresses the needs of the Department of Ag-
riculture, the Department of the Interior,
and the Department of Commerce, as appli-
cable, to hire, appoint, promote, or train ad-
ditional covered employees who are in
covered services such that sufficient covered employees are available throughout such fis-
cal year, beginning in fiscal year 2024, with-
out the need for waivers of premium pay lim-
itations.
(e) SUBMITTAL.—Not later than 30 days be-
fore the date on which the Secretaries imple-
ment the plan developed under paragraph (1), the Secretaries shall submit the plan to the relevant committees.
(3) LIMITATION.—The plan developed under
paragraph (1) shall not be contingent on any
Secretary receiving amounts appropriated for fiscal years beginning in fiscal year 2024 in
amounts greater than amounts appro-
riated for fiscal year 2023.
(f) POLICIES AND PROCEDURES FOR HEALTH,
SAFETY, AND WELL-BEING.—The Secretary
concerned shall maintain policies and proce-
dures to promote the health, safety, and
well-being of covered employees.
SEC. 5713. GOVERNMENT ACCOUNTABILITY OFF-
ICE REPORT ON INTERAGENCY WILDFIRE FORECASTING, PREVEN-
TION, PLANNING, AND Manage-
MENT BODIES.
Not later than 1 year after the date of the
enactment of this Act, the Comptroller Gen-
eral of the United States shall submit to
Congress a report that—
(1) identifies all Federal interagency bodies
established for the purpose of wildfire fore-
casting, prevention, planning, and manage-
ment (such as wildfire councils, commissions,
and workgroups), including—
(A) the Wildland Fire Policy Council;
(B) the National Interagency Fire Center;
(C) the Wildland Fire Management Policy
Committee;
(D) the Wildland Fire Mitigation and Man-
agement Commission;
(E) the Joint Science Fire Program;
(F) the National Interagency Coordination
Center; and
(G) the National Predictive Services Over-
view Group;
(H) the Interagency Council for Advancing
Wildland Fire Ecological Services;
(I) the National Wildfire Coordinating
Group;
(J) the National Multi-Agency Coordi-
nation Group; and
(K) the Mitigation Framework Leadership
Group;
(4) TREATMENT OF ADDITIONAL PREMIUM
PAY.—If the application of this subsection re-
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sults in the payment of additional premium
pay to a covered employee of a type that is
higher than basic pay, the payment shall be
considered to be basic pay.
(5) EFFECTIVE PERIOD.—This subsection
shall be in effect during calendar year 2023
and apply to premium pay payable during that
calendar year.
(6) SECRETARY CONCERNED.—The term ‘‘Sec-
retary concerned’’ means—
(A) the Secretary of the Interior, with re-
spect to an employee of the Department of
Agriculture;
(B) the Secretary of the Interior, with re-
spect to an employee of the Department of
Interior;
(C) the Secretary of Commerce, with re-
spect to an employee of the Department of
Commerce.
(7) TREATMENT OF ADDITIONAL PREMIUM
PAY.—If the application of this subsection re-
sults in the payment of additional premium
pay to a covered employee of a type that is
higher than basic pay, the payment shall be
considered to be basic pay.
(8) EFFECTIVE PERIOD.—This subsection
shall be in effect during calendar year 2023
and apply to premium pay payable during that
calendar year.
(9) RELEVANT COMMITTEES.—The term ‘‘re-
levant committees’’ means—
(A) the Committee on Homeland Security
and Governmental Affairs of the Senate;
(B) the Committee on Commerce, Science,
and Transportation of the Senate;
(C) the Committee on Agriculture, Nutri-
tion, and Forestry of the Senate;
(D) the Committee on Appropriations of the
Senate;
(E) the Committee on Energy and Natural
Resources of the Senate;
(F) the Committee on Oversight and Re-
form of the House of Representatives;
(G) the Comptroller General of the United
States;
(H) the Committee on Science, Space, and
Technology of the House of Representatives;
(I) the Committee on Agriculture of the
House of Representatives; and
(J) the Committee on Appropriations of the
House of Representatives.
(10) LIMITATION.—A covered employee may
not receive premium pay for purposes of applying the limitation under section
5547(a) of this title, United States Code.
(11) CALCULATION OF AGGREGATE PAY.—Any
pay that is disregarded under paragraph (1)
shall be disregarded in calculating the aggre-
gate pay of the applicable covered employee
for purposes of applying the limitation under section
5547(a) of this title, United States Code.
(12) DETERMINATION.—The amount of pre-
mium pay that is disregarded under para-
graph (1) shall be determined in a manner that
is consistent with the manner described in
section 5307 of this title, United States Code,
in amounts greater than amounts appro-
riated for fiscal year 2023.
(13) TREATMENT.—The term ‘‘treatment’’ in-
cludes any applicable locality-based com-
parability payment under section
5304 of the law under section 5305 of such title, or any equivalent payment under a similar compensa-
tion or pay plan.
(14) DETERMINATION.—The amount of pre-
mium pay that is disregarded under para-
graph (1) shall be determined in a manner that
is consistent with the manner described in
section 5307 of this title, United States Code,
in amounts greater than amounts appro-
riated for fiscal year 2023.
(2) evaluates the roles, functionality, and utility of such interagency bodies; and
(3) evaluates the progress, performance, and implementation of such interagency bodies.
(4) assesses efficacy and identifies potential overlap and duplication of such interagency bodies in carrying out interagency collaboration with respect to wildfire prevention, planning, and management; and
(5) includes such other recommendations as the Comptroller General determines are appropriate to streamline and improve wildfire forecasting, prevention, planning, and management, including recommendations regarding the interagency bodies for which the addition of the Administration is necessary to improve wildfire forecasting, prevention, planning, and management.
SEC. 5714. AMENDMENTS TO INFRASTRUCTURE INVESTMENT AND JOBS ACT RELATING TO WILDFIRE MITIGATION.
The Infrastructure Investment and Jobs Act (Public Law 117–58, 135 Stat. 429) is amended—
(1) in section 70202—
(A) in paragraph (1)—
(i) in subparagraph (J), by striking ‘‘; and’’ and inserting a semicolon;
(ii) in subparagraph (K), by striking the period at the end and inserting a semicolon; and
(iii) by adding at the end the following: ‘‘(L) the Committee on Commerce, Science, and Transportation of the Senate; and
(M) the Committee on Commerce, Science, and Technology of the House of Representatives.’’;
(B) in paragraph (6)—
(i) in subparagraph (B), by striking ‘‘; and’’ and inserting a semicolon;
(ii) in subparagraph (C), by striking the period at the end and inserting ‘‘; and’’; and
(iii) by adding at the end the following: ‘‘(D) the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere;’’; and
(2) in section 70203(b)(1)(B)—
(A) in the matter preceding clause (i), by striking ‘‘—’’ and inserting ‘‘—not fewer than 10’’;
(B) in clause (i)—
(1) in subclause (IV), by striking ‘‘; and’’ and inserting a semicolon;
(2) in subclause (V), by adding ‘‘and’’ at the end; and
(C) by adding at the end the following: ‘‘—not fewer than 10;’’;
(C) in clause (iv), by striking ‘‘; and’’ and inserting a semicolon; and
(D) by adding at the end the following: ‘‘—not fewer than 10;’’;
(vi) if the Secretaries determine it to be appropriate, 1 or more representatives from the relevant line offices of the National Oceanic and Atmospheric Administration;’’.
SEC. 5715. WILDFIRE TECHNOLOGY MODERNIZATION AMENDMENTS.
Section 5703 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. 1748b–1) is amended—
(1) in subsection (c)(3), by inserting ‘‘the National Oceanic and Atmospheric Administration,’’ after ‘‘Federal Aviation Administration,’’;
(2) in subsection (c)(2)—
(A) in the last sentence of subparagraph (B) as subparagraph (C); and
(B) by inserting after subparagraph (A) the following:
(III) CONSULTATION.—
‘‘(1) IN GENERAL.—In carrying out subpara-
graph (A), the Secretaries shall consult with the Under Secretary of Commerce for Oceans and Atmosphere on any development of impact-based decision support services that relate to wildfire-related activities of the National Oceanic and Atmospheric Administration.
(2) Cooperatively.—The Under Secretary shall, in cooperation with the Secretary of Commerce, provide decision support services that are compatible with the ‘‘Intergovernmental Personnel Act Mobi-
ility Program’’;
(3) Cooperative agreements.—In carrying out the activities under this title the Under Secretary shall enter into cooperative agreements with Federal and non-Federal entities for the provision of decision support services, as determined by the Under Secretary; and
(4) Development of improved fire weather products and services.—In carrying out the activities under this title the Under Secretary shall develop improved fire weather products and services, as determined by the Under Secretary.
(5) Support for non-Federal entities.—In carrying out the activities under this title the Under Secretary shall provide support to non-Federal entities, including making funds available for funding projects and programs that support the development of improved fire weather products and services.
(6) Conduct of research.—In carrying out the activities under this title the Under Secretary shall conduct research to enhance the accuracy and reliability of fire weather predictions and the impact of weather on wildfire behavior.
(7) Report to Congress.—Not later than 540 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate committees of Congress a report describing the progress made under this section.’’.
SEC. 5716. COOPERATION; COORDINATION; SUPPORT TO NON-FEDERAL ENTITIES.
(a) COOPERATION.—Each Federal agency shall cooperate with the Under Secretary, as appropriate, in carrying out this title and the amendments made by this title.
(b) COORDINATION.—In meeting the requirements of this title, the Under Secretary shall coordinate, as appropriate, with Federal and external partners to improve coordination, utility of systems and assets, and interoperability of data for smoke prediction, forecasting, and modeling.
SEC. 5717. INTERNATIONAL COORDINATION.
(a) IN GENERAL.—The Under Secretary, in cooperation with the Secretary of State, may develop collaborative relationships with foreign partners and counterparts to address transboundary issues pertaining to wildfires, including fire weather, smoke, and associated conditions and hazards or other relevant meteorological phenomena, as appropriate, to facilitate full and open exchange of data and information.
(b) COORDINATION.—In carrying out activities under this section, the Under Secretary shall coordinate with other Federal agencies as the Under Secretary considers relevant.
SEC. 5718. SUBMISSIONS TO CONGRESS REGARDING THE FIRE WEATHER SERVICES PROGRAM, INCIDENT METEOROLOGIST WORKFORCE NEEDS, AND TIDAL WEATHER SERVICE WORKFORCE SUPPORT.
(a) REPORT TO CONGRESS.—Not later than 540 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate committees of Congress—
(1) the plan described in subsection (b);
(2) the assessment described in subsection (c); and
(3) the assessment described in subsection (d).
(b) FIRE WEATHER SERVICES PROGRAM PLAN.—
(1) ELEMENTS.—The plan submitted under subsection (a)(1) shall detail the observational data, modeling requirements, ongoing computational needs, research, development, and technology transfer activities, data management, skilled-personnel requirements, engagement with relevant Federal emergency and land management agencies and partners, and corresponding resource requirements to achieve the elements described in subsection (b) of section 5703 and the priorities described in subsection (c) of such section.
(c) TIDAL WEATHER SERVICE WORKFORCE SUPPORT.
(1) IN GENERAL.—The Under Secretary shall conduct a workforce needs assessment on the current and future demand for additional incident meteorologists for wildfires and other high-impact fire weather events.
(2) ELEMENTS.—The assessment required by paragraph (1) shall include the following:
(A) A description of the workforce needs as of the date on which the assessment is submitted under subsection (a)(2) and projected future staffing levels.
(B) An assessment of the state of the infrastructure of the National Weather Service as of the date on which the assessment is submitted and future needs of such infrastructure in order to meet current and future demands, including with respect to information technology support and logistical and administrative operations.
(3) CONDUCT OF ASSESSMENT.—In conducting the assessment required by paragraph (1), the Under Secretary shall consider factors including projected climate conditions, infrastructure relevant to the operational response system, equipment, user needs, and feedback from relevant stakeholders.
(d) SUPPORT SERVICES ASSESSMENT.—
(1) IN GENERAL.—The Under Secretary shall conduct a workforce support services assessment with respect to employees of the National Weather Service engaged in emergency response.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include the following:
(A) An assessment of the need for future support of employees of the National Weather Service engaged in emergency response through services provided by the Public Health Service.
(B) A detailed assessment of appropriations required to secure the level of support services needed as identified in the assessment described in paragraph (A).

(3) ADDITIONAL SUPPORT SERVICES.—Following the completion of the assessment required by paragraph (1), the Under Secretary shall seek to acquire additional support services to meet the needs identified in the assessment.

SEC. 5719. GOVERNMENT ACCOUNTABILITY OFFICE REPORT; FIRE SCIENCE AND TECHNOLOGY WORKING GROUP; STRATEGIC PLAN.

(a) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that identifies—
(1) coordination between Federal agencies, State and local governments, Tribal governments, and other relevant stakeholders, including through the enhancement of possible public-private partnerships;
(2) research and development, including interdisciplinary research, related to fire environments, wildland fires, and smoke, in furtherance of a coordinated interagency effort to address wildfire risk mitigation;
(3) data management and stewardship, the development and coordination of data systems and computational tools, and the creation of an integrated interagency collaboration environment for agency data, including historical data, relating to weather, fire environments, wildland fires, associated smoke, and the impacts of such environments, fires, and smoke, in furtherance of a coordinated interagency effort to address wildfire risk mitigation; and
(4) interoperability, usability, and accessibility of the scientific data, data systems, and computational and information tools of the agencies listed under paragraph (1).

(b) FIRE SCIENCE AND TECHNOLOGY WORKING GROUP.—
(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Executive Director of the Interagency Committee on Financing Weather Services shall establish a working group, to be known as the “Fire Science and Technology Working Group” (in this section referred to as the “Working Group”).

(2) CHAIR.—The Working Group shall be chaired by the Under Secretary, or designee.

(3) GOVERNMENT ACCOUNTABILITY OFFICE.
(A) IN GENERAL.—The Working Group shall seek to build efficiencies among the agencies listed under subsection (a)(1) and coordinate the planning and management of science, research, technology, and operations related to science and support services for wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments.
(B) INPUT.—The Working Group shall solicit input from Federal stakeholders.
(C) STRATEGIC PLAN.—
(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Interagency Committee shall prepare and submit to the committees specified in paragraph (3) a strategic plan for interagency coordination, research, and development that will improve the assessment of fire environments and the understanding and prediction of wildland fires, associated smoke, and the impacts of such fires and smoke, including—
(A) at the wildland-urban interface;
(B) on communities, buildings, and other infrastructure;
(C) on ecosystem services and watersheds;
(D) social and economic impacts;
(E) by developing and encouraging the adoption of science-based and cost-effective measures—
(i) to enhance community resilience to wildland fires;
(ii) to address and mitigate the impacts of wildland fire and associated smoke; and
(iii) to restore natural fire regimes in fire-dependent ecosystems;
(F) by improving the understanding and mitigation of the effects of weather and long-term drought on wildland fire risk, frequency, and severity;
(G) through integrations of social and behavioral sciences in public safety fire communication;
(H) by improving the forecasting and understanding of prescribed fires and the impacts of such fires, and how those impacts may differ from impacts of wildland fires that originate from an unplanned ignition; and
(I) consideration and adoption of any recommendations included in the report required by subsection (b) of section 5720 of this title.

(2) PLAN ELEMENTS.—The strategic plan required by paragraph (1) shall include the following:
(A) A description of the priorities and needs of vulnerable populations.
(B) A description of high-performance computing, visualization, and dissemination needs.
(C) A timeline and guidance for implementation of—
(i) an interagency data sharing system for data relevant to performing fire assessments and modeling fire risk and fire behavior;
(ii) a system for ensuring that the fire prediction models of relevant agencies can be interconnected; and
(iii) to the maximum extent practicable, any recommendations included in the report required by subsection (a).

(D) A plan for incorporating and coordinating research and observational operations, including from infrared technologies, microwave, remote sensing, wildfire prediction, and uncrewed aerial systems.
(E) A flexible framework to communicate clear and simple fire event information to the public and other parts of the Administration.
(F) Integration of social, behavioral, risk, and communication research to improve the fire operational environment and societal information reception and response.

(3) COMMITTEES SPECIFIED.—The committees specified in this paragraph are—
(A) the Committee on Science, Space, and Technology of the House of Representatives;
(B) the Committee on Energy and Natural Resources of the Senate;
(C) the Agriculture, Nutrition, and Forestry Committee of the House of Representatives;
(D) the Committee on Natural Resources of the House of Representatives; and
(E) the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 5720. FIRE WEATHER RATING SYSTEM.

(a) IN GENERAL.—The Under Secretary shall carry out a fire weather rating system (as defined in section 11721u of the Code of Federal Regulations) to provide clear and simple fire event information to the public.

(b) UPDATE REQUIRED.—If the Under Secretary considers appropriate—
(1) to evaluate the system used as of the date of the enactment of this Act to rate the risk of wildfire; and
(2) to determine whether updates to that system are required to ensure that the ratings accurately reflect the severity of fire risk, the Under Secretary shall submit to Congress a report that updates to the system described in paragraph (1) of such subsection are necessary, the Under Secretary shall update that system.

SEC. 5721. AVOIDANCE OF DUPLICATION.

(a) IN GENERAL.—The Under Secretary shall ensure, to the greatest extent practicable, that activities authorized to be funded under this title and the amendments made by this title are not duplicative of activities supported by other parts of the Administration or other relevant Federal agencies.

(b) COORDINATION.—In carrying out activities under this title and the amendments made by this title, the Under Secretary shall coordinate with the Administration and heads of other Federal research agencies—
(A) to ensure that activities enhance and complement, but do not constitute unnecessary duplication of, efforts; and
(B) to ensure the responsible stewardship of Federal funds.

SEC. 5722. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts appropriated under title VIII of division D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094), there are authorized to be appropriated to the Administration to carry out new policies and programs described in the amendments made by this title and the amendments made by this title.

(1) $15,000,000 for fiscal year 2023;
(2) $11,360,000 for fiscal year 2024;
(3) $16,928,000 for fiscal year 2025;
(4) $122,774,400 for fiscal year 2026; and
(5) $28,913,120 for fiscal year 2027.

(b) MANAGEMENT.—None of the amounts authorized by subsection (a) may be used to unnecessarily duplicate activities funded under title D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094).

TITLE LVIII—LEARNING EXCELLENCE AND GOOD EXAMPLES FROM NEW DEVELOPERS

SEC. 5801. SHORT TITLE.

This title may be cited as the “Learning Excellence and Good Examples from New Developers Act of 2022” or the “LEGGEND Act of 2022”.

SEC. 5802. DEFINITIONS.

In this title—
(A) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.
(2) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(3) EARTH PREDICTION INNOVATION CENTER.—The term ‘‘Earth Prediction Innovation Center’’ means the community global weather research and forecasting system described in clause (v) of section 5804(a)(2) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by section 5804(g), as determined by the Administrator.

SEC. 5803. PURPOSES. The purposes of this title are—
(1) to support innovation in modeling by allowing interested stakeholders to have easy and complete access to the models used by the Administration, as the Administrator determines appropriate; and
(2) to use vetted innovations arising from access described in paragraph (1) to improve modeling by the Administration.

SEC. 5804. PLAN AND IMPLEMENTATION OF PLAN TO MAKE CERTAIN MODELS AND DATA AVAILABLE TO THE PUBLIC.

(a) In General.—The Administrator shall develop and implement a plan to make available to the public the following:
(1) Operational models developed by the Administration;
(2) Models that are not operational models, including experimental and developmental models, as the Administrator determines appropriate;
(3) Applicable information and documentation for models described in paragraphs (1) and (2).

(b) Subject to section 5807, all data owned by the Federal Government and data that the Administrator has the legal right to redistribute that are associated with models made available to the public pursuant to the plan and used in operational forecasting by the Administration, including—
(A) relevant metadata;
(B) data used for operational models used by the Administration as of the date of the enactment of this Act; and
(C) a description of intended model outputs.

SEC. 5805. REQUIREMENT TO REVIEW MODELS AND LEVERAGE INNOVATIONS. The Administrator shall—
(1) consistent with the mission of the Earth Prediction Innovation Center, periodically review innovations and improvements made by persons outside the Administration to the operational models made available to the public pursuant to the plan under section 5804(a) in order to improve the accuracy and timeliness of forecasts of the Administration; and
(2) if the Administrator identifies an innovation for a suitable model, develop and implement a plan to use the innovation to improve the model.

SEC. 5806. REPORT ON IMPLEMENTATION.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the implementation of this title that includes a description of—
(1) the implementation of the plan required by section 5804;
(2) the process of the Administration under section 5804;
(3) for engaging with interested stakeholders to learn what innovations those stakeholders have found;
(4) for representing those innovations; and
(5) for operationalizing innovations to improve suitable models.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘‘appropriate congressional committees’’ means—
(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and
(2) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

SEC. 5807. PROTECTION OF NATIONAL SECURITY INTERESTS.

(a) In General.—Notwithstanding any other provision of this title, the Administrator, in consultation with the Secretary of Defense, as appropriate, may withhold any model or data if the Administrator determines doing so to be necessary to protect the national security interests of the United States.

(b) MANNER OF CONSTRUCTION.—Nothing in this title shall be construed to supersede any other provision of law governing the protection of the national security interests of the United States.

AMENDMENT NO. 442 TO AMENDMENT NO. 589, AS MODIFIED

Mr. REED. Mr. President, I have an amendment to the substitute, and I ask that it be reported by number.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

SEC. EFFECTIVE DATE. This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

AMENDMENTS RECEIVED

Mr. REED. Mr. President, I submit amendments on behalf of other Senators.

The PRESIDING OFFICER. The amendments will be received.

The amendments are printed in today’s Record under “Text of Amendments.”

Mr. REED. Mr. President, I rise to discuss the fiscal year 2023 National Defense Authorization Act. In a few minutes, I will bring up this bill, which the Armed Services Committee passed by a broad bipartisan vote of 23 to 3 in June. I am glad we have the opportunity to consider the NDAA on the Senate floor. We are at a critical period in our Nation’s security, and this bill will help ensure our military has the tools and capabilities it needs to combat threats around the globe and keep Americans safe.
First, I would like to acknowledge Ranking Member INHOFE, whose leadership on this committee and in this body has been invaluable. His commitment to our men and women in uniform is unwavering, and he was instrumental in helping produce this bipartisan legislation. In honor of the United States being engaged in a long-term strategic competition with China and Russia, Beijing poses the primary potential threat to our national security, as the only country in the world with the economic and technological capacity to mount a sustained challenge to our interests. And, as we have seen with disturbing clarity, Putin has demonstrated his willingness to inflict violence and undermine global order for his own benefit. The importance of U.S. support for the Ukrainian people cannot be overstated. They are fighting our fight, and we must aid them.

Elsewhere, states like Iran and North Korea continue to push the boundaries of maneuver, and issues like terrorism, climate change, and pandemics remain persistent threats. The interconnected nature of these problems must drive how we resource and transform our tools of national power. The topline defense number in this year’s NDAA authorizes $1 trillion for the Department of Defense and $29 billion for national security programs within the Department of Energy. The bill contains a number of important provisions that I would like to briefly highlight.

To begin, we need to ensure that the United States can outcompete, deter, and prevail against our near-peer rivals. This NDAA confronts China and Russia by fully investing in the Pacific Deterrence Initiative, the European Deterrence Initiative, and the Ukraine Security Assistance Initiative. As part of this effort, the bill increases the defense topline authorization by $45 billion to address the effects of inflation and accelerate implementation of the national defense strategy. This topline boost will accelerate the production of certain munitions and increase procurement of aircraft, naval vessels, armored vehicles, long-range fires, and other resources needed by the services and combatant commands.

The committee has also included an authorization of $1 billion for the National Defense Stockpile to acquire strategic and critical minerals currently in shortfall. This will go a long way to help meet the defense, industrial, and economic civilian needs of the United States.

We also include additional support for our industrial base to produce the munitions needed to backfill our stocks, while also keeping supplies flowing to Ukraine and other European allies. Many Senators on both sides of the aisle have been actively engaged in this effort, but I especially want to recognize Senator SHAHEEN’s leadership. This topline boost will accelerate the funding the military need to push new authorities that can be helpful for the Department of Defense to address the current challenge we have and better posture us for the future. Senator SHAHEEN’s work has been highly impactful, and we ultimately took, which is reflected in the amendment that Senator INHOFE and I have offered as part of the managers’ package.

Relate, America’s capacity for technological innovation has long given us the strongest economy and military on Earth, but this advantage is not a given. It must be nurtured and maintained. To that end, this year’s NDAA authorizes significant funding increases for critical technologies like microelectronics, hypersonic weapons, and low-cost unmanned aircraft. Similarly, it increases funding to support U.S. Cyber Command’s Hunt Forward Operations and artificial intelligence capabilities.

And, as we navigate threats of nuclear escalation from Russia and increasing capabilities from China, the NDAA enhances our deterrence by helping to marginalize the U.S. nuclear triad. It also makes progress in ensuring the safety, security, and reliability of our nuclear stockpile, delivery systems, and infrastructure; increasing capacity in theater and homeland missile defense; and strengthening non-proliferation programs.

Importantly, this year’s NDAA provides a 4.6-percent pay raise for both servicemembers and their Department of Defense civilian workforce. It also authorizes additional funding to ease the impacts of inflation on the force and provides increased support for recruiting and retention needs.

When I introduce the fiscal year 2023 NDAA, it will be a substitute to the House-passed NDAA. This substitute will be modified with a package of amendments that have been cleared on both sides. There are 75 amendments, including 6 major authorization bills from other committees.

Again, I am pleased that we have brought this bill to the floor so the entire Senate has an opportunity to participate in the process.

I also want to take a moment to thank all the staff who accomplished this Herculean task in a week. The staff of the Armed Services Committee worked tirelessly to ensure every possible amendment was cleared and included.

I particularly want to thank Kevin Davis of the Office of Legislative Counsel, who went above and beyond to draft the amendments. The staff did a remarkable job, working tirelessly. They were led by Liz King and John Wason, and I salute both of them and all the members of the staff for their extraordinary efforts.

The topline defense number in this bill, together with the allocations set by Chairman LEAHY for defense and nondefense funding across the appropriations bills, provides a realistic balance for funding the military and the rest of the Federal Government. Once we have completed work on this important authorization bill, we need to complete the appropriations process.

Let me conclude by once again thanking Ranking Member INHOFE and my colleagues. I particularly want to recognize and thank the Presiding Officer, Senator KING of Maine, for his great work, and all for their thoughtful and bipartisan efforts to develop this important piece of legislation. I would also like to thank the staff, as I said before, for their tireless efforts on this bill throughout the year.

I look forward to a thoughtful debate on the issues that face our Department of Defense and national security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

(At the request of Mr. REED, the following statement was ordered to be printed in the RECORD.)

NATIONAL DEFENSE AUTHORIZATION ACT

- Mr. INHOFE. Mr. President, the National Defense Authorization Act is the most important bill we pass every year—and especially the most important bill we pass for our troops. This year is no different.

Some may disagree with me, but let me point you to an old document not too many people read anymore, called the Constitution; it tells us what we are supposed to be doing here: defending America.

This is a responsibility I do not take lightly, and I know my colleagues share in my desire to get this bill passed. I am particularly eager to get this bill passed because, as you all know, it is my last NDAA to shepherd through the Senate, and there has been a lot of them at this point.

Specifically, I want to take a moment to recognize my good friend, Jack REED. We are both Army veterans and understand that the most important thing we do all year is the NDAA, where we work to get the troops what they need to do their jobs and make sure they are taken care of. I don’t think there are two better friends than JACK REED and myself here in the Senate, and I am proud to have worked on my last defense bill alongside him.
This bill is truly a bipartisan, comprehensive product. We have already agreed to more than 70 bipartisan amendments in the manager’s package of amendments, and those numbers don’t include the hundreds of provisions written by Members that are already in the bill.

It is easy to forget what brings us together around here, but the National Defense Authorization Act is a bill we must put aside our differences and pass every year. We are about to enter the 62nd year of passing the NDAA with far-reaching, bipartisan support.

Senator Reed, the Armed Services Committee, and I, worked hard to make this a bipartisan bill—in the base text, in the committee mark, and now with this manager’s package of amendments authored by many Members of the Senate.

We are one step closer to getting this product to the finish line and making sure our military is provided for in the coming years. I can’t think of one thing we have come together to pass for over 60 years straight other than the NDAA. It truly is remarkable.

I thank my colleagues for their contributions. I look forward to our continued debate on this important bill—the most important bill we will do all year.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE REHOBOTH BEACH PATROL

Mr. CARPER. Mr. President, I rise today in honor of the 100th anniversary of the Rehoboth Beach Patrol in Rehoboth Beach, DE. With over a century of excellence in safety, a strong history in lifeguard competition achievements, and a fully operational emergency medical unit, the Rehoboth Beach Patrol is a leading beach patrol in the Nation.

It takes a world class beach patrol to protect a world-class beach, and over the years, the beach patrol has expanded from its humble beginnings. The Rehoboth Beach Patrol was established in 1921 by Benjamin F. Shaw and the Red Cross with just two guards. In 1938, it expanded to 17 guards protecting eight beaches. Over the years, the beach patrol added additional guards to a total of 65 and lifesaving equipment.

Rehoboth Beach Patrol prides itself on ensuring safety both in the water and on its beaches, something that a machine or camera cannot do. It is the skill of the lifeguards, their attention, and ability to manage the beach that keeps everyone safe and having fun.

When an organization like the Rehoboth Beach Patrol reaches a 100-year milestone, it has seen much more change than just the style of bathing suits, it has also seen a change in the demographics of its members. From just two men to a diverse group of lifeguards that are half women, the beach patrol is a reflection of the changes in the nation over the century.

I am honored to rise today to honor the many men and women of the Rehoboth Beach Patrol who have sacrificed their safety in order to protect others. They are true public servants who make Rehoboth Beach and our great State—a wonderful and safe place for people of all ages to visit and enjoy. You are all a point of pride for our State, and I wish you many more years of service to Delaware.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 2021, the Secretary of the Senate, on September 30, 2022, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills, without amendment:

S. 958. An act to amend the Public Health Service Act to expand the allowable use criteria for new access points grants for community health centers.

S. 1198. An act to amend title 38, United States Code, to improve and expand the Solid Start program of the Department of Veterans Affairs, and for other purposes.

S. 2551. An act to require the Director of the Office of Management and Budget to establish or otherwise provide an artificial intelligence training program for the acquisition workforce, and for other purposes.

S. 2794. An act to amend title 38, United States Code, to increase automatic maximum coverage under the Servicemembers’ Group Life Insurance program and the Veterans’ Group Life Insurance program, and for other purposes.

S. 3470. An act to provide for the implementation of certain trafficking in contracting provisions, and for other purposes.

The message further announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 45. Concurrent resolution providing for a correction in the enrollment of H.R. 6833.
that the Speaker pro tempore (Mr. BEYER) had signed the following enrolled bills:

H.R. 4877. An act to amend the Small Business Act to require the Small Business and Agriculture Regulatory Enforcement Ombudsman to create a consolidated website for compliance guides, and for other purposes.

H.R. 7132. An act to designate the outpatient clinic of the Department of Veterans Affairs in Ventura, California, as the “Captain Rosemary Bryant Mariner Outpatient Clinic”.


Under the authority of the order of the Senate of January 3, 2021, the enrolled bills were signed on October 4, 2022, during the adjournment of the Senate by the Acting President pro tempore (Mr. VAN HOLLEN).

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2021, the Secretary of the Senate, on October 4, 2022, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 1766. An act to enhance cooperation between the Federal Trade Commission and State Attorneys General to combat unfair and deceptive practices, and for other purposes.

H.R. 3641. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for loans under sections 403, 406, 407, and 502 of such Act, and for other purposes.

H.R. 5982. An act to amend the Harmonized Tariff Schedule of the United States to suspend temporarily rates of duty imports of certain infant formula base powder used in the manufacturing of infant formula in the United States, and for other purposes.

Under the authority of the order of the Senate of January 3, 2021, the enrolled bills were signed on October 4, 2022, during the adjournment of the Senate by the Acting President pro tempore (Mr. VAN HOLLEN).

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2021, the Secretary of the Senate, on September 30, 2022, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

S. 4357. An act to require the Secretary of Labor to conduct a study of the factors affecting employment opportunities for immigrants and refugees with professional credentials obtained in foreign countries.

S. 4289. An act to require the Administrator of the Federal Emergency Management Agency to establish a working group relating to best practices and Federal guidance for animals in emergencies and disasters, and for other purposes.

Under the authority of the order of the Senate of January 3, 2021, the enrolled bills were signed on October 4, 2022, during the adjournment of the Senate by the Acting President pro tempore (Mr. VAN HOLLEN).

MESSAGE FROM THE HOUSE

At 11:02 a.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 bills, in which it requests the concurrence of the Senate:

H.R. 1638. An act to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes.

H.R. 3304. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons, and for other purposes.

H.R. 3843. An act to protect competition and promote antitrust enforcement by adjusting premia filing fees to increase antitrust enforcement resources.

H.R. 4081. An act to require the disclosure of a camera or recording capability in certain internet-connected devices.

H.R. 4621. An act to hold accountable senior officials of the Government of the People’s Republic of China who are responsible for or have directly carried out, at any time, persecution of Christians or other religious minorities in China, and for other purposes.

H.R. 4629. An act to amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes.

H.R. 6965. An act to promote travel and tourism in the United States, and for other purposes.

H.R. 6967. An act to implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring, and for other purposes.

H.R. 7321. An act to amend title 49, United States Code, to require certain air carriers to establish and report to the Secretary with respect to maintenance, preventive maintenance, or alterations, and for other purposes.

H.R. 7788. An act to support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder services.

H.R. 8166. An act to amend the Public Health Service Act with respect to trauma centers.


H.R. 8446. An act to modify the requirements under the Millennium Challenge Act of 2003 for candidate countries, and for other purposes.

H.R. 8516. An act to require the head of each Agency to establish and report to the Senate with respect to maintenance, preventive maintenance, or alterations, and for other purposes.

H.R. 8753. An act to authorize the Secretary of Veterans Affairs to provide certain education benefits for veterans attending an educational institution.

H.R. 8755. An act to amend title 13, United States Code, to permit the Secretary of Veterans Affairs to conduct a study of the factors affecting the eligibility of veterans and their dependents for assistance under sections 403, 406, 407, and 502 of such Act, and for other purposes.

H.R. 8856. An act to amend chapter 44 of title 11, United States Code, to improve the cybersecurity of the Federal government, and for other purposes.

H.R. 8987. An act to amend the Justice for United States Victims of State Sponsored Terrorism Act to authorize appropriations for catch-up payments from the United States Victims of State Sponsored Terrorism Fund.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 3662. An act to temporarily increase the cost share authority for aqueous film forming foam input-based testing equipment, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker pro tempore (Mr. BEYER) has signed the following enrolled bills:

S. 958. An act to amend the Public Health Service Act to expand the eligibility criteria for new access points grants for community health centers.
S. 1198. An act to amend title 38, United States Code, to improve and expand the Solid Start program of the Department of Veterans Affairs, and for other purposes.

S. 2019. An act to require the Director of the Office of Management and Budget to establish or otherwise provide an artificial intelligence training program for the acquisition workforce, and for other purposes.

S. 2794. An act to amend title 38, United States Code, to increase automatic maximum coverage under the Servicemembers’ Group Life Insurance program, and for other purposes.

S. 3470. An act to provide for the implementation of trafficking victim contraction provisions, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3094. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons, and for other purposes; to the Committee on Veterans’ Affairs.

H.R. 4081. An act to require the disclosure of a camera or recording capability in certain Internet-connected devices; to the Committee on Commerce, Science, and Transportation.

H.R. 4621. To hold accountable senior officials of the Government of the People’s Republic of China who are responsible for or have directly carried out, at any time, persecution of Christians or other religious minorities in China, and for other purposes; to the Committee on Foreign Relations.

H.R. 6889. To amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6967. An act to implement merit-based reforms for the Federal civil service hiring system that replace degree-based hiring with skills-and competency-based hiring, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 7321. An act to amend title 46, United States Code, to require certain air carriers to provide terminal-based reports with respect to maintenance, preventive maintenance, or alternations, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 7780. An act to support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and expand access to mental health and substance use disorder benefits; to the Committee on Health, Education, Labor, and Pensions.

H.R. 8183. An act to amend the Public Health Service Act with respect to trauma care; to the Committee on Health, Education, Labor, and Pensions.

H.R. 8184. An act to modify and extend the Global Food Security Act of 2016; to the Committee on Foreign Relations.

H.R. 8463. An act to modify the requirements under the Millennium Challenge Act of 2003 for candidate countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 8466. An act to require the head of each agency to establish a plan relating to the safety of Federal employees and contractors physically present at certain worksites during a nationwide public health emergency declared for an infectious disease, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 8510. An act to amend title 38, United States Code, to make certain improvements to the Office of Accountability and Whistleblower Protection of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

H.R. 8681. An act to establish the John Lewis Civil Rights Fellowship to fund international internships and research placements for early- to mid-career professionals to study nonviolent movements to establish and protect human rights around the world; to the Committee on Foreign Relations.

H.R. 8875. An act to amend title 38, United States Code, to expand eligibility of members of the National Guard for housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans’ Affairs.

H.R. 8888. An act to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office of Food Security, and for other purposes; to the Committee on Veterans’ Affairs.

MEASURES DISCHARGED

The following joint resolution was discharged from the Committee on Finance, by petition, pursuant to 50 U.S.C. 1622, and placed on the calendar:

S.J. Res. 63. A joint resolution relating to a national emergency declared by the President on March 13, 2020.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 16758. An act to recognize the Lumbee Tribe of North Carolina, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1638. An act to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 30, 2022, she had presented to the President of the United States the following enrolled bills:

S. 3969. An act to amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, and for other purposes.

S. 4900. An act to reauthorize the SBIR and STTR programs and pilot programs, and for other purposes.

S. 1098. An act to amend the Higher Education Act of 1965 to authorize borrowers to separate joint consolidation loans.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KING (for himself and Ms. COLLINS):

S. 5067. A bill to provide that no Federal funds shall be appropriated, awarded, or expended in support of the Monterey Bay Aquarium; to the Committee on Commerce, Science, and Transportation.

By Mr. KING (for Mr. Luján):

S. 5068. A bill to amend the Northwestern New Mexico Rural Water Projects Act to make improvements to that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KING (for Mr. Casey):

S. 5069. A bill to amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING (for Ms. Collins (for herself and Mr. King)):

S. 5070. A bill to authorize the Secretary of Agriculture to provide grants to States to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for Mr. SULLIVAN):

S. 5071. A bill to amend the Energy Policy and Conservation Act to require that the Strategic Petroleum Reserve only includes petroleum products produced in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KING (for Ms. Shaireen (for herself and Mr. Young)):

S. 5072. A bill to amend the Higher Education Act of 1965 to provide for institutional ineligibility based on low cohort repayment rates and to require risk-sharing payments of institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING (for Mrs. Luján (for himself, Ms. Collins, and Mr. Cardin)):

S. 5073. A bill to amend the Public Health Service Act to authorize a public education campaign across all relevant programs of the Health Resources and Services Administration to increase oral health literacy and awareness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING (for Mr. Blumenthal):

S. 5074. A bill to provide for a temporary 1-year halt to all proposed direct commercial sales and foreign military sales to the Kingdom of Saudi Arabia of weapons and munitions; to the Committee on Foreign Relations.

By Mr. KING (for Mr. Johnson):

S. 5075. A bill to establish new ZIP codes for certain Wisconsin communities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. McConnell):
S. Res. 822. A resolution to authorize testimony and representation in United States v. Rhodes; considered and agreed to. By Mr. SCHUMER (for himself and Mr. MCCONNELL).

S. Res. 823. A resolution to authorize testimony and representation in United States v. Groseclose; considered and agreed to. By Mr. SCHUMER (for himself and Mr. MCCONNELL).

S. Res. 824. A resolution to authorize testimony and representation in United States v. Steele-Smith; considered and agreed to. By Mr. KING (for Ms. HIRONO (for herself), Ms. BOOKER, Ms. CANTWELL, Ms. CRUZ, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. PADILLA, Mr. SCHUETZ, Ms. SMITH, Ms. WARREN, and Mr. KAINE):

S. Res. 825. A resolution recognizing the month of October 2022 as Filipino American History Month and celebrating the history and culture of Filipino Americans and their immense contributions to the United States; to the Committee on the Judiciary. By Mr. KING (for Mr. HORVEN (for himself, Mr. TESTER, Mr. BOOZMAN, Mr. WARNOCK, Mr. DAINES, and Ms. WARREN)).

S. Res. 826. A resolution designating October 25, 2022, as the “Day of the Deployed”; to the Committee on the Judiciary. By Mr. KING (for Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. DURBIN, Ms. MURKOWSKI, Mr. LEEAHY, and Ms. SMITH)).

S. Res. 827. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month; to the Committee on the Judiciary. By Mr. REED (for Mr. LANKFORD):

S. Res. 828. A resolution recognizing the end of COVID-19 pandemic for Federal employees, servicemembers, and contractors; to the Committee on Homeland Security and Governmental Affairs. By Mr. KING (for Mr. SULLIVAN):

S. Res. 829. A resolution commemorating the 75th anniversary of the Marine Corps Reserve Toys for Tots Program and celebrating the long history of the commitment of the Marine Corps Reserve and the Marine Corps Reserve Toys for Tots Foundation to serving the local communities of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 194

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 194, a bill to amend title 10, United States Code, to provide treatment for eating disorders for dependents of members of the uniformed services.

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2044, a bill to amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco agriculture by deeming such employment as oppressive child labor.

S. 2736

At the request of Mr. BURR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2736, a bill to extend vehicle usage limits for competition from certain provisions of the Clean Air Act, and for other purposes.
At the request of Mr. Kaine, the name of the Senator from Indiana (Mr. Young) was added as a cosponsor of amendment No. 5864 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 6426
At the request of Mr. Menendez, the name of the Senator from Texas (Mr. Cornyn) was added as a cosponsor of amendment No. 6426 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5857
At the request of Mrs. Shaheen, the name of the Senator from New Hampshire (Mr. Padilla) was added as a cosponsor of amendment No. 5857 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5854
At the request of Mrs. Shaheen, the name of the Senator from California (Mr. Padilla) was added as a cosponsor of amendment No. 5854 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5856
AMENDMENT NO. 5855
AMENDMENT NO. 4640
AMENDMENT NO. 6141
AMENDMENT NO. 6426
AMENDMENT NO. 6428
AMENDMENT NO. 6141
AMENDMENT NO. 6140
AMENDMENT NO. 6139

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
(At the request of Mr. Reed, the following statement was ordered to be printed in the RECORD.)

Ms. Collins. Mr. President, I rise today to introduce the Relief for Farmers Hit with PFAS Act. I thank my colleague Senator King for joining me to introduce this important legislation for farmers across America.

The Relief for Farmers Hit with PFAS Act would provide vital assistance to farmers affected by PFAS contamination. PFAS have become widespread in man-made chemicals—sometimes referred to as “forever chemicals”—that can bioaccumulate in bodies over time. They are traditionally found in nonstick pans, clothing, furniture, and firefighting foam and have been linked to cancer, thyroid disease, liver damage, decreased fertility, and hormone disruption. PFAS contamination is a growing problem, and additional resources are needed to support affected communities.

In Maine, PFAS contamination affecting many different sectors, including agriculture, has been discovered over the past several years. The presence of PFAS in wastewater sludge once spread as fertilizer has prevented some Maine farms from selling their products, thus leading to significant financial hardship for these family farmers. One such farmer is Fred Stone, a dairy farmer in Arundel, ME. In 2016, Fred discovered that the milk produced on his farm contained some of the highest levels ever reported for a PFAS contaminant at that time. More recently, a dairy farm in Fairfield, ME, found PFAS levels in its milk that were 153 times higher than the State’s standard.

Dairy is not the only agricultural sector affected by these harmful forever chemicals. Adam Nordell and his wife Johanna Davis, from Unity, ME, have worked hard to prevent the soil and water on their organic vegetable farm, the result of sludge spread on their land in the 1990s. Tests earlier this year showed that Adam and Johanna had levels of PFAS in their blood that are even higher than chemical plant workers who manufactured PFAS for decades and handled them daily.

Currently, USDA provides limited support to dairy farmers who have been directed to remove their milk from the commercial market. The Dairy Indemnity Payment Program—DIPP—is the only USDA program that attempts to address this problem; however, it falls far short from meeting the growing needs of all farmers in the State of Maine.

Farmers experiencing PFAS contamination; individuals to make informed decisions or water sources; blood monitoring for alternative cropping systems or remediation strategies; educational programs for farmers experiencing PFAS contamination; and research on soil and water remediation systems and the viability of those systems for farms. In addition to making new resources available, our bill would create a task force at USDA charged with identifying other USDA programs to which PFAS contamination should be added as an eligible activity. This would help bring even more resources to farmers through existing programs. Additionally, the task force would provide technical assistance to states to help them coordinate their responses effectively.

USDA needs to step up and provide support to farmers who, at no fault of their own, are at risk of losing their livelihoods. This is not just a problem in Maine: PFAS contamination has been discovered on farms in New Mexico and Michigan, and this problem will only become more evident as testing becomes more readily available.
SENATE RESOLUTION 822—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. RHODES

Mr. SCHUMER (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

Resolved, That Virginia Brown, a former Chamber Assistant of the Senate, is authorized to provide relevant testimony in the case of United States v. Rhodes, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Ms. Brown, and any current or former officer or employee of her office, in connection with the production of evidence authorized in section one of this resolution.

SENATE RESOLUTION 823—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. GROSECLOSE

Mr. SCHUMER (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

Resolved, That Virginia Brown, a former Chamber Assistant of the Senate, is authorized to provide relevant testimony in the case of United States v. Rhodes, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Ms. Brown, and any current or former officer or employee of her office, in connection with the production of evidence authorized in section one of this resolution.

SENATE RESOLUTION 824—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. STEELE-SMITH

Mr. SCHUMER (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Messrs. Schwager, Russell, and Torres, and any current or former officer or employee of their offices, in connection with the production of evidence authorized in section one of this resolution.

SENATE RESOLUTION 825—RECOGNIZING THE MONTH OF OCTOBER 2022 AS FILIPINO AMERICAN HISTORY MONTH AND CELEBRATING THE HISTORY AND CULTURE OF FILIPINO AMERICANS AND THEIR IMMENSE CONTRIBUTIONS TO THE UNITED STATES

Mr. KING (for Ms. HIRANO (for herself, Mr. BOOKER, Ms. CANTWELL, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. PADILLA, Mr. RASHID, Ms. WARNER, and Mr. KAINE)) submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the House of Representatives of the United States recognizes the Philippines and the new Philippine Republic which was established in 1946 by the Treaty of Paris; that the Philippine American community is one of the largest Asian-American communities in the United States; and that the Filipino American National Historical Society recognizes 1763 as the year in which the first permanent Filipino settlement in the United States was established in Santa Cruz, California.

Whereas, from the Civil War to the Iraq and Afghanistan conflicts, Filipinos and Filipino Americans have served with honor and distinction in the Armed Forces of the United States; and

Whereas, the Filipino American community is one of the largest Asian-American communities in the United States; and

Whereas, in recognition of the contributions of Filipino Americans to the United States, Congress has passed a number of laws and resolutions that have preserved and honored the history and culture of Filipino Americans in the United States.
Scouts shall not be deemed to have been active service, and, therefore, those members did not qualify for certain benefits;

Whereas 26,000 Filipino World War II veterans were denied United States citizenship as a result of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 4978), which was signed into law by President George H.W. Bush on November 29, 1990;

Whereas, in 1991, the Filipino American National Historical Society made efforts to recognize October as Filipino American History Month for the first time;

Whereas, on February 17, 2009, President Barack Obama signed into law the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), which established the Filipino Veterans Equity Compensation Fund to compensate Filipino World War II veterans for their service to the United States;

Whereas, since June 8, 2016, the Filipino World War II Veterans Parole Program has allowed Filipino World War II veterans and certain family members to be reunited more expeditiously than the immigrant visa process allowed at that time;

Whereas, on December 14, 2016, President Barack Obama signed into law the Filipino Veterans of World War II Congressional Gold Medal Act of 2015 (Public Law 114–285; 130 Stat. 567), which honored Filipino American veterans who fought alongside troops of the United States in World War II the highest civilian honor bestowed on a Filipino American;

Whereas, on October 25, 2017, the Congressional Gold Medal was presented to Filipino World War II veterans in Emancipation Hall in the Capitol Building, a recognition for which the veterans had waited for more than 70 years;

Whereas Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that may be bestowed on an individual serving in the Armed Forces, and continue to demonstrate a commendable sense of patriotism and honor in the Armed Forces;

Whereas Peter Aquino Aduja of Hawaii and the late Thelma Garcia Buchholdt of Alaska became the first Filipino American and the first Filipina American elected to public office, respectively, in the United States;

Whereas, on April 25, 2012, President Barack Obama nominated Lorna G. Schofield to be a United States District Judge for the United States District Court for the Southern District of New York, and she was confirmed by the Senate on December 13, 2012, to be the first Filipino American in United States history to serve as an Article III Federal judge;

Whereas Filipino Americans play an integral role in the multiethnic United Farm Workers movement, alongside Cesar Chavez, Dolores Huerta, and other Latino workers;

Whereas, on April 25, 2012, President Barack Obama nominated Lorna G. Schofield to be a United States District Judge for the United States District Court for the Southern District of New York, and she was confirmed by the Senate on December 13, 2012, to be the first Filipino American in United States history to serve as an Article III Federal judge;

Whereas Filipino Americans contribute greatly to music, dance, literature, education, business, journalism, sports, fashion, politics, government, science, technology, the fine arts, and other fields that enrich the United States;

Whereas, as mandated in the mission statement of the Filipino American National Historical Society, efforts should continue to promote the study of Filipino American history and culture because the roles of Filipino Americans and other people of color have largely been overlooked in the writing, teaching, and learning of the history of the United States;

Whereas it is imperative for Filipino American youth to have positive role models to instill—
(1) the significance of education, complemented by the richness of Filipino American ethnicity; and
(2) the value of the Filipino American legacy; and

Whereas it is essential to promote the understanding, education, and appreciation of the history and culture of Filipino Americans in the United States: Now, therefore, be it

Resolved, That the Senate—
(1) recognizes the celebration of Filipino American History Month in October 2022 as
(A) a testament to the advancement of Filipino Americans;
(B) a time to reflect on and remember the many notable contributions that Filipino Americans have made to the United States; and
(C) a time to renew efforts toward the research and examination of history and culture so to continue the opportunity for all people of the United States to learn more about Filipino Americans and to appreciate the historic contributions of Filipino Americans to the United States; and
(2) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

SENATE RESOLUTION 826—DESIGNATING OCTOBER 26, 2022, AS THE ‘DAY OF THE DEPLOYED’

Mr. KING, (for Mr. HOEVEN (for himself, Mr. BOOZMAN, Mr. WARNock, Mr. DADNEs, and Ms. WarREN)) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. Res. 826

Whereas more than 2,100,000 individuals serve in the Armed Forces of the United States, including the reserve components of the Armed Forces;

Whereas several hundred thousand members of the Armed Forces have served in more than 200 countries in every region of the world;

Whereas more than 2,000,000 members of the Armed Forces serve, past, present, and future;

Whereas domestic violence can affect any-one, but women who are 18 to 34 years of age typically experience the highest rates of domestic violence;

Whereas survivors of domestic violence are strong, courageous, and resilient;

Whereas most female victims of intimate partner violence have been victimized by the same offender previously;

Whereas domestic violence is cited as a significant factor in homelessness among families;

Whereas millions of children are exposed to domestic violence each year;

Whereas a study has found that children who were exposed to domestic violence in their households were 15 times more likely to be physically or sexually assaulted in their lifetime than other children who were not exposed to domestic violence in their households;

Whereas victims of domestic violence experience immediate and long-term negative outcomes, including detrimental effects on mental and physical health;
Whereas research consistently shows that being abused by an intimate partner increases an individual’s likelihood of substance use as well as associated harmful consequences;

Whereas victims of domestic violence may lose several days of paid work each year and may lose their jobs due to reasons stemming from domestic violence;

Whereas crisis hotlines serving domestic violence victims operate 24 hours per day, 365 days per year, and offer important crisis intervention services, support services, information, and referrals for victims;

Whereas staff and volunteers of domestic violence shelters and programs in the United States, in cooperation with 56 State and territorial coalitions against domestic violence, provide essential services to—

(1) thousands of adults and children each day; and

(2) 1,000,000 adults and children each year;

Whereas domestic violence programs and hotlines have seen a substantial increase in contacts since 2020, and continue to experience a surge in requests for services, with the National Domestic Violence Hotline average of approximately 2,600 daily contacts in 2022, up from 800 to 1,200 average daily contacts before the COVID-19 pandemic;

Whereas nearly 85 percent of American Indian and Alaska Native women have experienced some form of intimate partner violence in their lifetime;

Whereas respondents to a survey of domestic violence programs reported that survivors of domestic violence often face financial challenges, with 8,000,000 days of paid work lost each year due to intimate partner violence;

Whereas medical professionals have reported that survivors of domestic violence are presenting with more severe injuries during the pandemic;

Whereas domestic violence programs have changed the way they provide services in response to the COVID-19 pandemic;

Whereas advocates for survivors of domestic violence and survivors face the same challenges with child care and facilitating online learning that others do;

Whereas, according to a 2021 survey conducted by the National Network to End Domestic Violence, 79,052 domestic violence victims reported being discharged by domestic violence shelters and programs around the United States in a single day;

Whereas some victims of domestic violence face challenges in accessing law enforcement and services due to conditions specific to the communities in which they live;

Whereas law enforcement officers in the United States put their lives at risk each day by responding to incidents of domestic violence, which can be among the most volatile and deadly of crimes;

Whereas Congress first demonstrated a significant commitment to supporting victims of domestic violence with the enactment of the landmark Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

Whereas Congress has remained committed to protecting survivors of all forms of domestic violence and sexual abuse by making Federal funding available to support the activities that are authorized under—

(1) the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

(2) the Violence Against Women Act of 1994 (34 U.S.C. 11212 and 11213); and

(3) the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (Public Law 117-27; 135 Stat. 301);

Whereas there is a need to continue to support these activities aimed at domestic violence intervention and domestic violence prevention in the United States;

Whereas domestic violence programs provide trauma-informed services to protect the safety, privacy, and confidentiality of survivors of domestic violence; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) supports the goals and ideals of “National Domestic Violence Awareness Month”;

(B) commends domestic violence victim advocates, domestic violence victim service providers, crisis hotline staff, and first responders serving victims of domestic violence, for their compassionate support of survivors of domestic violence; and

(C) recognizes the strength and courage of survivors of domestic violence; and

(2) it is the sense of the Senate that Congress should—

(A) continue to raise awareness of—

(i) domestic violence in the United States; and

(ii) the corresponding devastating effects of domestic violence on survivors, families, and communities; and

(B) pledge continued support for programs designed to—

(i) assist survivors of domestic violence;

(ii) hold perpetrators of domestic violence accountable; and

(iii) bring an end to domestic violence.


Mr. KING (for Mr. SULLIVAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 828

Whereas, in 1947, the Marine Corps Reserve Toys for Tots Program was created by William “Bill” Hendricks, Major, United States Marine Corps Reserve, to assist the orphaned and less fortunate children following World War II;

Whereas, during the 1947 holiday season, Major Hendricks and his United States Marine Corps Reserve Unit provided more than 5,000 toys to children in the Los Angeles area;

Whereas, in 1948, the Commandant of the Marine Corps established the Marine Corps Reserve Toys for Tots Program as a nation-wide effort;

Whereas, in 1991, to continue the administration of the Marine Corps Reserve Toys for Tots Program, the Marine Corps Reserve Unit for Tots Foundation was created as a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986;

Whereas, in 1995, the Marine Corps Reserve Toys for Tots Program, the Marine Corps Reserve Unit for Tots Foundation was designated as an official mission of the Marine Corps Reserve and an official activity of the Marine Corps;

Whereas the mission of the Marine Corps Reserve Toys for Tots Program is to collect new, unwrapped toys during October, November, and December each year and distribute those toys as Christmas gifts to less fortunate children in the community in which the campaign is conducted, in order to contribute to the welfare of the local community, increase public awareness, and enhance the image of the Marine Corps;

Whereas the Marine Corps Reserve Toys for Tots Program has expanded to cover all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and Guam, and the territories of the United States, including more than 180,000 children who are part of the Toys for Tots Native American Program, which maintains a 97:3 program to support ratio; Now, therefore, be it

Resolved, That the Senate—

(1) commemorates and celebrates the 75th anniversary of the Marine Corps Reserve Toys for Tots Program;

(2) recognizes and thanks the Marine Corps Toys for Tots Foundation for tirelessly serving the underserved children throughout the United States, the District of Columbia, and the territories of the United States; and

(3) applauds the Marine Corps Reserve and the Marine Corps Reserve Toys for Tots Foundation for 75 years of service, and future efforts to bring Christmas joy to millions of children year after year.
AMENDMENTS SUBMITTED AND PROPOSED

SA 6442. Mr. REED proposed an amendment to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 6443. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6444. Mr. REED (for Mr. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6445. Mr. REED (for Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6446. Mr. REED (for Mr. CORNYN (for himself and Mr. INHOFE)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6447. Mr. REED (for Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6448. Mr. REED (for Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6449. Mr. REED (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6450. Mr. REED (for Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6451. Mr. REED (for Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6452. Mr. REED (for Mr. SHELEY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6453. Mr. REED (for Mr. GRAHAM (for himself and Mr. MENENDEZ)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6454. Mr. REED (for Mr. MANCHIN (for himself, Mr. BARRASSO, and Mr. RISCH)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.
the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—COAST GUARD AUTHORIZATION ACT OF 2022

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.
(a) Short Title.—This division may be cited as the “Coast Guard Authorization Act of 2022”.
(b) Table of Contents.—The table of contents for this division is as follows:

DIVISION E—COAST GUARD AUTHORIZATION ACT OF 2022

Sec. 5001. Short title; table of contents.
Sec. 5002. Definition of Commandant.

TITLE LI—AUTHORIZATIONS

Sec. 5101. Authorization of appropriations.
Sec. 5102. Authorized levels of military strength and training.
Sec. 5103. Authorization for shore-side infrastructure and facilities.
Sec. 5104. Authorization for acquisition of vessels.
Sec. 5105. Authorization for the child care subsidy program.

TITLE LII—COAST GUARD

Subtitle A—Infrastructure and Assets

Sec. 5201. Report on shore-side infrastructure and facilities needs.
Sec. 5202. Fleet mix analysis and shore infrastructure investment plan.
Sec. 5203. Acquisition life-cycle cost estimates.
Sec. 5204. Report and briefing on resourcing strategy for Western Pacific region.
Sec. 5205. Study and report on national security and drug trafficking threats in the Florida Straits and Caribbean region, including Cuba.
Sec. 5206. Coast Guard Yard.
Sec. 5207. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.
Sec. 5208. Improvements to infrastructure and operations planning.
Sec. 5209. Alaska sea notification system pilot program.

Subtitle B—Great Lakes

Sec. 5211. Great Lakes winter commerce.
Sec. 5212. Database on icebreaking operations in the Great Lakes.
Sec. 5213. Great Lakes snowmobile acquisition plan.
Sec. 5214. Great Lakes barge inspection exemption.
Sec. 5215. Study on sufficiency of Coast Guard aviation assets to meet mission demands.

Subtitle C—Arctic

Sec. 5221. Establishment of the Arctic Security Cutter Program Office.
Sec. 5222. Arctic activities.
Sec. 5223. Study on Arctic operations and infrastructure.

Subtitle D—Maritime Cyber and Artificial Intelligence

Sec. 5231. Enhancing maritime cybersecurity.
Sec. 5232. Establishment of unmanned system program and autonomous control and computer vision technology project.
Sec. 5233. Artificial intelligence strategy.
Sec. 5234. Review of artificial intelligence applications and establishment of performance metrics.

Sec. 5235. Cyber data management.
Sec. 5236. Data management.
Sec. 5237. Study on cyber threats to the United States maritime transportation system.

Subtitle E—Aviation

Sec. 5241. Space-available travel on Coast Guard aircraft: program authorization and eligible recipients.

Sec. 5242. Report on Coast Guard Air Station Barbers Point hangar.
Sec. 5243. Study on the operational availability of Coast Guard aircraft and strategy for Coast Guard Aviation.

Subtitle F—Workforce Readiness

Sec. 5251. Authorized strength.
Sec. 5252. Number and distribution of officers on active duty promotion.
Sec. 5253. Continuation on active duty of officers with critical skills.
Sec. 5254. Career incentive pay for marine inspectors.
Sec. 5255. Expansion of the ability for selection board to recommend officers of particular merit for promotion.
Sec. 5256. Modification to education loan repayment program.
Sec. 5257. Removal of Vice Commandant.
Sec. 5258. Report on resignation and retirement processing times and denial.
Sec. 5259. Physical disability evaluation system procedure review.
Sec. 5260. Expansion of authority for multi-tier assessments of certain personnel.
Sec. 5261. Promotion parity.
Sec. 5262. Partnership program to diversify Coast Guard mammal conservation.
Sec. 5263. Expansion of Coast Guard Junior Reserve Officers’ Training Corps.
Sec. 5264. Improving representation of women and racial and ethnic minorities among Coast Guard active-duty members.
Sec. 5265. Strategy to enhance diversity through recruitment and accessions.
Sec. 5266. Support for Coast Guard Academy.
Sec. 5267. Training for congressional and legislative affairs personnel.
Sec. 5268. Strategy for retention of cutters.
Sec. 5269. Study on performance of Coast Guard Force Readiness Command.
Sec. 5270. Study on frequency of weapons training for Coast Guard personnel.

Subtitle G—Miscellaneous Provisions

Sec. 5281. Funding of Coast Guard relating to certain operations.
Sec. 5282. Coast Guard assistance to United States Secret Service.
Sec. 5283. Conveyance of Coast Guard vessels relating to pipelines.
Sec. 5284. Authority to construct Coast Guard vessels for public purposes.
Sec. 5285. Transfer and conveyance.
Sec. 5286. Transparency and oversight.
Sec. 5287. Study on safety inspection program for containers and facilities.
Sec. 5288. Study on maritime law enforcement workload requirements.
Sec. 5289. Feasibility study on construction of Coast Guard station at Port Mansfield.
Sec. 5290. Modification of prohibition on operation or procurement of foreign-made unmanned aircraft systems.

Sec. 5291. Operational data sharing capability.
Sec. 5292. Procurement of tethered aerostat radar system for Coast Guard Station South Padre Island.
Sec. 5293. Assessment of Iran sanctions relief on Coast Guard operations under the Joint Comprehensive Plan of Action.
Sec. 5294. Report on shipyards of Finland and Sweden.
Sec. 5295. Prohibition on construction contracts with entities associated with the Chinese Communist Party.
Sec. 5296. Review of drug interdiction equipment and standards; testing for fentanyl during interdiction operations.
Sec. 5297. Public availability of information on monthly migrant interdictions.

TITLE LIII—ENVIRONMENT

Sec. 5301. Definition of Secretary.

Subtitle A—Marine Mammals

Sec. 5311. Definitions.
Sec. 5312. Assistance to ports to reduce the impacts of vessel traffic and port operations on marine mammals.
Sec. 5313. Near real-time monitoring and mitigation program for large cetaceans.
Sec. 5314. Pilot program to establish a Cetacean Desk for Puget Sound region.
Sec. 5315. Monitoring ocean soundscapes.

Subtitle B—Oil Spills

Sec. 5321. Improving oil spill preparedness.
Sec. 5322. Western Alaska oil spill planning criteria.
Sec. 5323. Accident and incident notification relating to pipelines.
Sec. 5324. Coast Guard claims processing.
Sec. 5325. Calculation of interest on debt owed to the national pollution fund.
Sec. 5326. Per-incident limitation.
Sec. 5327. Access to the Oil Spill Liability Trust Fund.
Sec. 5328. Cost-reimbursable agreements.
Sec. 5329. Oil spill response contracts.
Sec. 5330. Review and report on limited indemnity provisions in standby oil spill response contracts.
Sec. 5331. Additional exceptions to regulations for towing vessels.

Subtitle C—Environmental Compliance

Sec. 5341. Review of anchorage regulations.
Sec. 5342. Study on impacts on shipping and commercial, tribal, and recreational fisheries from the development of renewable energy on the West Coast.

Subtitle D—Environmental Issues

Sec. 5351. Modifications to the Sport Fish Restoration and Boating Trust Fund administration.
Sec. 5352. Improvements to Coast Guard communication with North Pacific maritime and fishing industry.
Sec. 5353. Fishing safety training grants program.
Sec. 5354. Load lines.
Sec. 5355. Actions by National Marine Fisheries Service to increase energy production.

Subtitle E—Illegal Fishing and Forced Labor Prevention

Sec. 5361. Definitions.
Sec. 5363. Data sharing and aggregation.
Sec. 5370. Denial of port privileges.
Sec. 5373. Capacity building in foreign fisheries.
Sec. 5374. Training of United States Observers.
Sec. 5375. Regulations.
Sec. 5376. Use of Devices Broadcasting on AIS for Purposes of Marking Fishing Gear.

CHAPTER 1—C OMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

Sec. 5383. Data sharing and aggregation.
Sec. 5384. Import audits.
Sec. 5385. Availability of fisheries information.
Sec. 5386. Report on Seafood Import Monitoring Program.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

Sec. 5379. Identification and certification criteria.
Sec. 5380. Equivalent conservation measures.
Sec. 5381. Capacity building in foreign fisheries.
Sec. 5382. Training of United States Observers.

TITLE LV—COLLABORATIVE EFFORTS TO COMBAT HUMAN TRAFFICKING

Subtitle A—Vessel Safety

Sec. 5508. Coast Guard digital registration.
Sec. 5509. Regulations.

Subtitle B—Healthcare

Sec. 5526. Assessment regarding application for merchant mariner credentials.
Sec. 5527. Military to Mariners Act of 2022.

Subtitle C—Housing

Sec. 5505. Alcohol at sea.
Sec. 5506. Accommodation; notices.

Subtitle D—Other Matters

Sec. 5510. Comptroller General of the United States study and report on the Coast Guard’s oversight of third party organizations.
Sec. 5511. Articulated tug-barge mann ing.
Sec. 5512. Alternate safety compliance program exception for certain vessels.

SUBTITLE B—Other Matters

Sec. 5521. Definition of a stateless vessel.
Sec. 5522. Proposed enforcement of coastwise laws.

TIT LE LIV—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

Sec. 5400. Authority to provide awards and decorations.

Subtitle B—Healthcare

Sec. 5402. Armed Forces access to Coast Guard child care facilities.
Sec. 5403. Cadet pregnancy policy improvements.
Sec. 5404. Combat-related special compensation.
Sec. 5405. Study on food security.

Subtitle C—Housing

Sec. 5410. Authority to provide awards and decorations.

Subtitle D—Other Matters

Sec. 5411. Strategy to improve quality of life at remote units.
Sec. 5412. Study on Coast Guard housing accessibility and privatized housing.

TITLE LV—MARITIME

Subtitle A—Vessel Safety

Sec. 5501. Abandoned Seafarers Fund amendments.
Sec. 5502. Receipts; international agreements for ice patrol services.
Sec. 5503. Passenger vessel security and safety requirements.
Sec. 5504. AI-sea rescue operations pilot program.
Sec. 5505. Exoneration and limitation of liability for small passenger vessels.
Sec. 5506. Moratorium on towing vessel inspection user fees.

Sec. 5507. Certain historic passenger vessels.
Sec. 5508. Coast Guard digital registration.
Sec. 5509. Regulations.

Sec. 5510. Comptroller General of the United States study and report on the Coast Guard’s oversight of third party organizations.
Sec. 5511. Articulated tug-barge manning.
Sec. 5512. Alternate safety compliance program exception for certain vessels.

TIT LE LVII—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

Sec. 5400. Authority to provide awards and decorations.

Subtitle B—Healthcare

Sec. 5402. Armed Forces access to Coast Guard child care facilities.
Sec. 5403. Cadet pregnancy policy improvements.
Sec. 5404. Combat-related special compensation.
Sec. 5405. Study on food security.

Subtitle C—Housing

Sec. 5410. Authority to provide awards and decorations.

Subtitle D—Other Matters

Sec. 5411. Strategy to improve quality of life at remote units.
Sec. 5412. Study on Coast Guard housing accessibility and privatized housing.

TITLE LVIII—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

Sec. 5801. Technical correction.
Sec. 5802. Reinstatement.
Sec. 5803. Terms and vacancies.

TIT LE LIX—RULE OF CONSTRUCTION

Sec. 5901. Rule of construction.

SEC. 5002. DEFINITION OF COMMANDANT.

In this division, the term “Commandant” means the Commandant of the Coast Guard.

TIT LE LIX—AUTHORIZATIONS

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.

Section 4092 of title 14, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “fiscal years 2020 and 2021” and inserting “fiscal years 2022 and 2023”;

(2) in paragraph (1)—

(A) in subparagraph (A), by striking clauses (1) and (2) and inserting the following:

“(i) $10,000,000,000 for fiscal year 2022; and

(ii) $10,750,000,000 for fiscal year 2023.”;

(B) in subparagraph (B), by striking “$17,035,000” and inserting “$23,456,000”; and

(C) in subparagraph (C), by striking “, (A)(ii), $17,376,000” and inserting “, (A)(ii), $23,355,000”;

(3) in paragraph (2)—

(A) in subparagraph (A), by striking clauses (1) and (2) and inserting the following:

“(i) $2,459,100,000 for fiscal year 2022; and

(ii) $3,477,600,000 for fiscal year 2023.”;

(B) in subparagraph (B), by striking clauses (1) and (2) and inserting the following:

“(i) $20,400,000 for fiscal year 2022; and

(ii) $20,800,000 for fiscal year 2023.”;

(4) in paragraph (3), by striking subparagraphs (A) and (B) and inserting the following:

“(A) $7,476,000 for fiscal year 2022; and

(B) $14,681,000 for fiscal year 2023.”;

(5) in paragraph (4), by striking subparagraphs (A) and (B) and inserting the following:

“(A) $24,000,000 for fiscal year 2022; and

(B) $25,800,000 for fiscal year 2023.”;

SEC. 5102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 4094 of title 14, United States Code, is amended—

(1) in subsection (a), by striking “fiscal years 2020 and 2021” and inserting “fiscal years 2022 and 2023”; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking “fiscal years 2020 and 2021” and inserting “fiscal years 2022 and 2023”.

SEC. 5103. AUTHORIZATION FOR SHORESIDE INFRASTRUCTURE AND FACILITIES.

(a) In general.—In addition to the amounts authorized to be appropriated under section 4902(h)(2)(A) of title 14, United States Code, as amended by section 5101 of this division, for the period of fiscal years 2023 through 2028—

(1) $3,000,000,000 is authorized to fund maintenance, new construction, and repairs needed for Coast Guard shorelines infrastructure; and

(2) $150,000,000 is authorized to fund phase two of the recapitalization project at Coast Guard Training Center Cape May in Cape May, New Jersey, to improve recruitment.
and training of a diverse Coast Guard workforce; and
(3) $30,000,000,000 is authorized for the construction of additional new child care development projects to be constructed using funds authorized by the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 229).

(b) COAST GUARD YARD RESILIENT INFRASTRUCTURE AND CONSTRUCTION IMPROVEMENT.—In addition to the amounts authorized to be appropriated under section 4902(2)(A) or title 14, United States Code, as amended by section 5101 of this division—
(1) $400,000,000 is authorized for the period of fiscal years 2023 through 2028 for the Secretary of the department in which the Coast Guard is operating for the purposes of improvements to facilities of the Yard; and
(2) $220,000,000 is authorized for the acquisition of a new floating drydock, to remain available until expended.

SEC. 5104. AUTHORIZATION FOR ACQUISITION OF VESSELS.
In addition to the amounts authorized to be appropriated under section 4902(2)(A) or title 14, United States Code, as amended by section 5101 of this division, the funds authorized for the period of fiscal years 2023 through 2028 for the Secretary of the department in which the Coast Guard is operating for the purposes of improvements to facilities of the Yard; and

SEC. 5201. REPORT ON SHORESIDE INFRASTRUCTURE AND FACILITIES NEEDS.
In addition to the amounts authorized to be appropriated under section 4902(2)(A) or title 14, United States Code, as amended by section 5101 of this division, the funds authorized for the period of fiscal years 2023 through 2028 for the Department of Homeland Security for the purposes of improvements to facilities of the Yard; and

SEC. 5105. AUTHORIZATION FOR THE CHILD CARE SUBSIDY PROGRAM.
In addition to the amounts authorized to be appropriated under section 4902(2)(A) or title 14, United States Code, as amended by section 5101 of this division, the funds authorized for the period of fiscal years 2023 through 2024 for the child care subsidy program.

TITLES III—COAST GUARD

Subtitle A—Infrastructure and Assets

SEC. 5201. REPORT ON SHORESIDE INFRASTRUCTURE AND FACILITIES NEEDS.

Not less frequently than annually, the Commandant shall submit to the Congress on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(a) a detailed list of shore-side infrastructure needs for all Coast Guard facilities located within each Coast Guard District; and

(b) the estimated cost of projects to fulfill such needs, to the extent available; and

(c) a general description of the state of planning for each such project.

SEC. 5202. FLEET MIX ANALYSIS AND SHORE INFRASTRUCTURE INVESTMENT PLAN.

(a) FLEET MIX ANALYSIS.—

(1) IN GENERAL.—The Commandant shall conduct an integrated fleet mix analysis that provides for a fleet mix sufficient, as determined by the Commandant—

(A) to carry out—

(i) the missions of the Coast Guard; and

(ii) emergency mission requirements; and

(B) to address—

(i) national security threats; and

(ii) the global deployment of the Coast Guard to counter great power competitors.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to Congress a report on the results of the updated fleet mix analysis required by paragraph (1).

(b) SHORE INFRASTRUCTURE INVESTMENT PLAN.—

(1) IN GENERAL.—The Commandant shall develop an updated shore infrastructure investment plan and associated costs involved in—

(A) the construction of additional facilities to accommodate the updated fleet mix described in subsection (a)(1);

(B) improvements necessary to ensure that existing facilities meet requirements and remain operational for the lifespan of such fleet mix, including necessary improvements to information technology infrastructure;

(C) a timeline for the construction and improvement of the facilities described in subparagraphs (A) and (B); and

(D) a cost estimate for construction and life-cycle support of such facilities, including for necessary personnel.

(2) REPORT.—Not later than 1 year after the date on which the report under subsection (a)(2) is submitted, the Commandant shall submit to Congress a report on the plan required by paragraph (1).

SEC. 5203. ACQUISITION LIFE-CYCLE COST ESTIMATES.

Section 1132(e) of title 14, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

‘‘(2) TYPES OF ESTIMATES.—For each Level 1 or Level 2 acquisition project or program, in addition to life-cycle cost estimates developed under paragraph (1), the Commandant shall require—

‘‘(A) such life-cycle cost estimates to be updated before—

‘‘(i) each milestone decision is concluded; and

‘‘(ii) the project or program enters a new acquisition phase; and

‘‘(B) an independent cost estimate or independent cost assessment, as appropriate, to be developed to validate such life-cycle cost estimates.’’.

SEC. 5204. REPORT AND BRIEFING ON RESOURCING STRATEGY FOR WESTERN PACIFIC REGION.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Commandant of the United States Indo-Pacific Command, and the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Secretary of the Department of Commerce, and the Committee on Transportation and Infrastructure of the House of Representatives a report outlining the Coast Guard’s resourcing needs to achieve optimum operations in the Western Pacific region.

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

(1) An assessment of the risks and associated needs—

(A) to United States strategic maritime interests, in particular such interests in areas west of the Americas and the Caribbean, including risks to bilateral maritime partners of the United States, posed by not fully staffing and equipping Coast Guard operations in the Western Pacific region;

(ii) the Coast Guard mission and force posed by not fully staffing and equipping Coast Guard operations in the Western Pacific region; and

(2) An identification of—

(A) the critical technological advancements required for the Coast Guard to meet
current and anticipated threats in such region;  
(B) the capabilities required to enhance information sharing and coordination between the Coast Guard and international partners, foreign governments, and related civilian entities; and  
(C) any significant new or developing threat to the United States posed by illicit actors in such region.  
(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a).  

SEC. 5206. COAST GUARD YARD.  
(a) IN GENERAL.—With respect to the Coast Guard Yard, the purposes of the authorization under section 5108(b) are—  
(1) to improve resiliency and capacity;  
(2) to maintain and expand Coast Guard organic manufacturing capacity;  
(3) to expand training and recruitment;  
(4) to enhance safety;  
(5) to improve environmental compliance; and  
(6) to ensure that the Coast Guard Yard is prepared to meet the growing needs of the modern Coast Guard fleet.  
(b) INCLUSIONS.—The Secretary of the department in which the Coast Guard is operating shall ensure that the Coast Guard Yard receives improvements that include the following:  
(1) Facilities upgrades needed to improve resiliency of the shipyard, its facilities, and associated infrastructure.  
(2) Construction of a high-capacity drydock.  
(3) Improvements to piers and wharves, drydocks, and capital equipment utilities.  
(4) Environmental remediation.  
(5) Construction of a new warehouse and paint facility.  
(6) Acquisition of a new travel lift.  
(7) Dredging necessary to facilitate access to the Coast Guard Yard.  
(c) WORKFORCE DEVELOPMENT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a workforce development plan that—  
(1) outlines the workforce needs of the Coast Guard Yard with respect to civilian employees and active duty members of the Coast Guard, including engineers, individuals engaged in trades, cyber specialists, and other personnel necessary to meet the evolving mission set of the Coast Guard Yard; and  
(2) includes recommendations for Congress with respect to the authorities, training, funding, and civilian and active-duty recruitment, including the recruitment of women and underrepresented minorities, necessary to meet workforce needs of the Coast Guard Yard for the 10-year period beginning on the date of submission of the plan.  

SEC. 5207. AUTHORITY TO ENTER INTO TRANSACTIONS OTHER THAN CONTRACTS TO PROVIDE TECHNICAL SERVICES AND TO PRODUCE COST-EFFECTIVE TECHNOLOGY FOR MISSION NEEDS.  
(a) IN GENERAL.—Subchapter III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:  

“§ 1158. Authority to enter into transactions other than contracts and grants to procure cost-effective, advanced technology for mission-critical needs.”  
“(a) IN GENERAL.—Subject to subsections (b) and (c), the Commandant may enter into transactions (other than contracts, cooperative agreements, and grants) to develop prototypes for, and to operate and procure, cost-effective technology for the purpose of meeting the requirements of the Coast Guard.  
“(b) PROCUREMENT AND ACQUISITION.—Procurement or acquisition of technologies under subsection (a) shall be—  
(1) carried out in accordance with this title and Coast Guard policies and guidance; and  
(2) consistent with the operational requirements of the Coast Guard.  
“(c) LIMITATIONS.—  
(1) IN GENERAL.—The Commandant may not enter into an agreement under subsection (a) with respect to a technology that—  
(A) does not comply with the cybersecurity standards of the Coast Guard; or  
(B) is sourced from an entity domiciled in the People’s Republic of China, unless the Commandant determines that the prototype, operation, or procurement of such a technology is for the purpose of—  
(i) counter-UAS operations, surrogate testing, or training; or  
(ii) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.  
(2) WAIVER.—The Commandant may waive the requirement of paragraph (1) on a case-by-case basis by certifying in writing to the Secretary of Homeland Security and the appropriate committees of Congress that the prototype, operation, or procurement of the applicable technology is in the national interests of the United States.  
(3) EDUCATION AND TRAINING.—The Commandant shall ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section, or other innovative forms of contracting, are provided opportunities for adequate education and training with respect to the authority under this section.  
(e) REPORT.—  
(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this section, the Commandant shall submit to the appropriate committees of Congress a report that—  
(A) describes the use of the authority pursuant to this section; and  
(B) assesses the mission and operational benefits of such authority.  
(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—  
(A) the Committee on Commerce, Science, and Transportation of the Senate; and  
(B) the Committee on Transportation and Infrastructure of the House of Representatives.  
(f) REGULATIONS.—The Commandant shall prescribe regulations as necessary to carry out this section.  
(g) DEFINITIONS OF UNMANNED AIRCRAFT, UNMANNED AIRCRAFT SYSTEM, AND COUNTER-UAS.—In this section, the terms ‘unmanned aircraft’, ‘unmanned aircraft system’, and ‘counter-UAS’ have the meanings given such terms in section 4401 of title 49, United States Code.”.  
(b) CLERICAL AMENDMENT.—The analysis for subchapter III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:  

“1158. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.”.  

SEC. 5208. IMPROVEMENTS TO INFRASTRUCTURE.  
(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall—  
(1) coordinate with the Under Secretary of Commerce for Oceans and Atmosphere to ensure the incorporation of the most recent environmental and climatic data; and  
(2) request technical assistance and advice from the Under Secretary in planning scenarios, as appropriate.  
(b) COORDINATION WITH NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—In carrying out subsection (a), the Commandant shall—  
(1) coordinate with the Under Secretary of Commerce for Oceans and Atmosphere to ensure the incorporation of the most recent environmental and climatic data; and  
(2) request technical assistance and advice from the Under Secretary in planning scenarios, as appropriate.  
(c) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to 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 manner in which the best-available science from the National Oceanic and Atmospheric Administration has been incorporated into at least 1 known mission area of the Coast Guard, and the lessons learned from so doing.  

SEC. 5209. AQUA ALERT NOTIFICATION SYSTEM PILOT PROGRAM.  
(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall, subject to the availability of appropriations, establish a pilot program to improve the issuance of alerts to facilitate cooperation with the public to render aid to distressed individuals under section 521 of title 14, United States Code.  
(b) PILOT PROGRAM CONTENTS.—The pilot program established under subsection (a) shall—  
(1) include a voluntary opt-in program under which members of the public, as appropriate, and the entities described in subsection (c), may receive notifications on cellular devices regarding Coast Guard activities to render aid to distressed individuals under section 521 of title 14, United States Code;  
(2) cover areas located within the area of responsibility of 3 distressing scenarios;  
(3) provide that the dissemination of an alert shall be limited to the geographic areas in which the best-available science from the National Oceanic and Atmospheric Administration has been incorporated into at least 1 known mission area of the Coast Guard, and the lessons learned from so doing; and  
(4) provide that the Commandant shall consult with the entities described in subsection (c) on the development of the program.  
(c) CONSULTATION.—In developing the pilot program under subsection (a), the Commandant shall consult with—  
(1) the head of any relevant Federal agency;  
(2) the government of any relevant State;  
(3) any Tribal Government;  
(4) the government of any relevant territory or possession of the United States; and  
(5) any relevant political subdivision of an entity described in paragraph (2), (3), or (4).  
(d) REPORT TO CONGRESS.—  
(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter through 2028, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.  
(2) PUBLIC AVAILABILITY.—The Commandant shall make the report submitted under paragraph (1) available to the public.  
(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commandant to carry out this section $3,000,000 for each of fiscal years 2023 through 2026, to remain available until expended.
(b) Proposed Standards for Icebreaking Operations.—The proposed standards described in this subsection are as follows:

"(1) Coats Guard operations in the Great Lakes.

"(2) Northeast icebreaking missions; and

"(3) Inland icebreaking missions.

"(d) Definitions.—In this section:

"(1) Commercial vessel.—The term ‘commercial vessel’ means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, as measured under section 14502 of title 46, or any alternate tonnage measured under section 14302 of such title, as prescribed by the Secretary of the Treasury, by adding at the end the following:

"(2) Great Lakes.—The term ‘Great Lakes’ means the United States waters of Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors.

"(3) Ice-covered waterway.—The term ‘ice-covered waterway’ means any portion of the Great Lakes in which commercial vessels and ferries transiting the ice-covered waterways in the Great Lakes, regardless of type of cargo, are unable to use the ice capability of Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessel.

"(4) Reasonable demands of commerce.—The term ‘reasonable demands of commerce’ means the safe and efficient commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, that is 70 percent or greater covered by ice, but does not include any waters adjacent to piers or docks for which commercial icebreaking services are available and adequate for the ice conditions.

"(5) Open to navigation.—The term ‘open to navigation’ means navigable to the extent necessary, in no particular order of priority—

(A) To extricate vessels and individuals from danger;

(B) To prevent damage due to flooding;

(C) To meet the reasonable demands of commerce;

(D) To minimize delays to passenger ferries; and

(E) To conduct other Coast Guard missions as required.

"(6) Elements.—The database required under subsection (a) shall include the following:

(1) Attempts by commercial vessels and ferries to transit ice-covered waterways in the Great Lakes that are unsuccessful because of inadequate icebreaking.

(2) The period of time that each commercial vessel or ferry was unsuccessful at so transiting due to inadequate icebreaking.

(3) The amount of time elapsed before each such commercial vessel or ferry was successfully broken out of the ice and whether it was accomplished by the Coast Guard or by commercial icebreaking assets.

(4) Relevant communications of each such commercial vessel or ferry with the Coast Guard and with commercial icebreaking services during such period.

(5) A description of any mitigating circumstance, such as Coast Guard icebreaker diversions to other missions, that may have contributed to the amount of time described in paragraph (3).

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(d) Definitions.—In this section:
maintaining the safety of Coast Guard personnel engaged in search and rescue; and
(B) the operational capabilities of a snowmobile, as compared to an airplane, and a force laiddown assessment with respect to the assets needed for effective operations at Coast Guard units conducting ice rescue activities; and
(C) the potential risks to members of the Coast Guard and members of the public posed by the use of snowmobiles by members of the Coast Guard for ice rescue activities.

3. The Commandant shall submit the plan described in subsection (a) and make the plan available on a publicly accessible Internet website of the Coast Guard.

SEC. 5214. GREAT LAKES BARGE INSPECTION EXEMPTION.

Section 3301(m) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “Great Lakes barge” after “seagoing barge”; and
(2) by striking “section 3301(6) of this title” and inserting “paragraph (6) or (13) of section 3301 of this title”.

SEC. 5215. STUDY ON SUFFICIENCY OF COAST GUARD AVIATION ASSETS TO MEET THE NEEDS OF COMMERCIAL MARITIME OPERATIONS IN THE ARCTIC.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the force laid-down of Coast Guard aviation assets; and
(2) any geographic gaps in coverage by Coast Guard assets in areas in which the Coast Guard has search and rescue responsibilities.

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

(1) The distance, time, and weather challenges that MH-65 and MH-60 units may face in reaching the outermost limits of the area of operation of Coast Guard District 9 and Coast Guard District 8 for which such units are responsible.

(2) An assessment of the advantages of Coast Guard fixed-wing assets, or an alternate rotary wing asset, would offer to the outermost limits of any area of operation for purposes of search and rescue, law enforcement, and other operational missions.

(3) A comparison of advantages and disadvantages of the manner in which each of the Coast Guard fixed-wing aircraft would operate in reaching the outermost limits of any area of operation.

(4) A specific assessment of the coverage gaps, including gaps in fixed-wing coverage, and potential solutions to address such gaps in the area of operation of Coast Guard District 9 and Coast Guard District 8, including the eastern region of such area of operation with regard to Coast Guard District 9 and the southern region of such area of operation with regard to Coast Guard District 8.

(b) STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(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 commence a study on the Arctic operations and infrastructure of the Coast Guard.

(b) ELEMENTS.—The study required under subsection (a) shall assess the following:

(1) The extent of the collaboration between the Coast Guard and the Department of Defense to assess, manage, and mitigate security risks in the Arctic region.

(2) Actions taken by the Coast Guard to manage risks to Coast Guard operations, infrastructure, and workforce planning in the Arctic.

(c) STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the appropriate committees of Congress a report on—

(1) any geographic gaps in coverage by Coast Guard assets in areas in which the Coast Guard has search and rescue, surveillance, and interdiction missions.

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

(1) The distance, time, and weather challenges that MH-65 and MH-60 units may face in reaching the outermost limits of the area of operation of Coast Guard District 9 and Coast Guard District 8 for which such units are responsible.

(2) An assessment of the advantages of Coast Guard fixed-wing assets, or an alternate rotary wing asset, would offer to the outermost limits of any area of operation for purposes of search and rescue, law enforcement, and other operational missions.

(3) A comparison of advantages and disadvantages of the manner in which each of the Coast Guard fixed-wing aircraft would operate in reaching the outermost limits of any area of operation.

(b) STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(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 a report to the appropriate committees of Congress that describes the ability and timeline to conduct transit inspections and periodic transits of the Northwest Passage.

(b) STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the findings of the study.

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

(1) The extent of the collaboration between the Coast Guard and the Department of Defense to assess, manage, and mitigate security risks in the Arctic region.

(2) Actions taken by the Coast Guard to manage risks to Coast Guard operations, infrastructure, and workforce planning in the Arctic.

(c) STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the findings of the study.

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

(1) The extent of the collaboration between the Coast Guard and the Department of Defense to assess, manage, and mitigate security risks in the Arctic region.

(2) Actions taken by the Coast Guard to manage risks to Coast Guard operations, infrastructure, and workforce planning in the Arctic.

(b) STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the findings of the study.

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

(1) The extent of the collaboration between the Coast Guard and the Department of Defense to assess, manage, and mitigate security risks in the Arctic region.

(2) Actions taken by the Coast Guard to manage risks to Coast Guard operations, infrastructure, and workforce planning in the Arctic.

(c) QUARTERLY BRIEFINGS.—Not less frequently than quarterly until the date on which the contract for acquisition of the Arctic Security Cutter is awarded, the Commandant shall conduct briefings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describe the status of requirements evaluations, design of the vessel, and schedule of the program.

SEC. 5222. ARCTIC ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) ARCTIC.—The term “Arctic” has the meaning given such term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) ARCTIC OPERATIONAL IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the study.

SEC. 5223. STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the findings of the study.

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

(1) A comparison of advantages and disadvantages of the manner in which each of the Coast Guard fixed-wing aircraft would operate in reaching the outermost limits of any area of operation.

(b) STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the findings of the study.

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

(1) A comparison of advantages and disadvantages of the manner in which each of the Coast Guard fixed-wing aircraft would operate in reaching the outermost limits of any area of operation.

(b) STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the findings of the study.

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

(1) A comparison of advantages and disadvantages of the manner in which each of the Coast Guard fixed-wing aircraft would operate in reaching the outermost limits of any area of operation.
``(1) an unmanned aircraft system (as defined in section 44801 of title 49, United States Code);
(2) an unmanned marine surface system; and
(3) an unmanned marine subsurface system.
``
``(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Congress an estimate of the costs associated with implementing the amendments made by this section.
``
``(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by striking the item relating to section 319 and inserting the following:
``"319. Unmanned system program and autonomous control and computer vision technology project.’’
``SEC. 5233. ARTIFICIAL INTELLIGENCE STRATEGY.

(a) ESTABLISHMENT OF ACTIVITIES.—

(1) IN GENERAL.—The Commandant shall establish a set of activities to operational and mission-support problems; and

(2) EMPHASIS.—The set of activities established under paragraph (1) shall—

(A) apply artificial intelligence and machine learning technologies into operational and mission-support systems; and

(B) coordinate activities involving artificial intelligence and artificial intelligence-enabled systems throughout the Coast Guard.

(b) DESIGNATED OFFICIAL.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall designate a senior official of the Coast Guard (referred to in this section as the ‘‘designated official’’) with the principal responsibility for the coordination of activities relating to the development and demonstration of artificial intelligence and machine learning for the Coast Guard.

(2) DUTIES.—

(A) STRATEGIC PLAN.—

(i) IN GENERAL.—The designated official shall develop a strategic plan to develop, mature, adopt, and transition artificial intelligence technologies into operational use where appropriate.

(ii) ELIGIBILITY.—The plan required by clause (i) shall include the following:

(I) A strategic roadmap for the identification and coordination of the development and adoption of artificial intelligence technologies and key enabling capabilities.

(II) The continuous evaluation and adaptation of relevant artificial intelligence capabilities provided by the Coast Guard and by other organizations for military missions and business operations.

(iii) SUBMISSION TO COMMANDANT.—Not later than 2 years after the date of the enactment of this Act, the designated official shall submit to the Commandant the plan developed under clause (i).

(B) OVERSIGHT OF ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING POLICY.—The designated official shall regularly convene appropriate officials of the Coast Guard—

(i) to integrate the functional activities of the Coast Guard with respect to artificial intelligence and machine learning;

(ii) to ensure that there are efficient and effective artificial intelligence and machine learning capabilities throughout the Coast Guard; and

(iii) to develop and continuously improve research, innovation, policy, joint processes, and procedures to facilitate the development, acquisition, integration, advancement, sustainable growth, and implementation of artificial intelligence and machine learning throughout the Coast Guard.

(c) ACCELERATION OF DEVELOPMENT AND FIELDING OF ARTIFICIAL INTELLIGENCE.—To the extent practicable, the Commandant shall—

(1) use the flexibility of regulations, personnel, acquisition, partnerships with industry and academia, or other relevant policies of the Coast Guard to accelerate the development and fielding of artificial intelligence capabilities; and

(2) engage with defense and private industry, research universities and unaffiliated, nonprofit research institutions; and

(3) provide technical advice and support to entities in the Coast Guard to optimize the use of artificial intelligence and machine-learning technologies to meet Coast Guard missions;

(4) support the development of requirements for artificial intelligence capabilities that address the highest priority capability gaps of the Coast Guard and technical feasibility;

(b) develop and support capabilities for technical analysis and assessment of threat capabilities based on artificial intelligence;

(6) identify the workforce and capabilities needed to support the artificial intelligence capabilities and requirements of the Coast Guard;

(7) develop classification guidance for all artificial intelligence-related activities of the Coast Guard;

(8) work with appropriate officials to develop appropriate ethical, legal, and other policies for the Coast Guard involving the development and use of artificial intelligence-enabled systems and technologies in operational situations; and

(9) ensure—

(A) that artificial intelligence programs of the Coast Guard are consistent with this section;

(B) appropriate coordination of artificial intelligence activities of the Coast Guard with interagency, industry, and international efforts relating to artificial intelligence, including relevant participation in standards-setting bodies.

(d) INTERIM STRATEGIC PLAN.—

(1) IN GENERAL.—The Commandant shall develop a strategic plan to develop, mature, adopt, and transition artificial intelligence technologies into operational use where appropriate, as informed by the plan developed by the designated official under subsection (b)(2)(A).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) Each element described in clause (i) of subsection (b)(2)(A).

(B) A consideration of the identification, adoption, and procurement of artificial intelligence technologies for use in operational and mission support activities.

(3) COORDINATION.—In developing the plan required by paragraph (2), the Commandant shall coordinate and engage with defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

(4) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report on—

(1) the findings of the Commandant with respect to such review and any action taken or proposed to be taken by the Commandant, and the resources necessary to address such findings;

(2) the performance objectives and accompanying metrics established under subsections (a)(3) and (b)(1)(B); and

(3) any recommendation with respect to proposals for legislative change necessary to substantially implement artificial intelligence applications within the Coast Guard.

SEC. 5233. ARTIFICIAL INTELLIGENCE STRATEGY.

(a) ESTABLISHMENT OF ACTIVITIES.—

(1) IN GENERAL.—The Commandant and the Director of the Cybersecurity and Infrastructure Security Agency shall—

(A) conduct a comprehensive review and assessment of—

(i) skill gaps in the fields of software development, artificial intelligence, 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;

(B) establish recruiting, training, and talent management performance objectives and accompanying metrics for achieving and maintaining staffing needed to fill identified gaps and meet the needs of the Coast Guard for skilled personnel.

(2) AI MODERNIZATION ACTIVITIES.—In carrying out subsection (a), the Commandant shall—

(A) assess investment by the Coast Guard in artificial intelligence innovation, science and technology, and research and development;

(B) assess investment by the Coast Guard in test and evaluation of artificial intelligence capabilities;

(C) assess the integration of, and the resources necessary to better use artificial intelligence in wargames, exercises, and experimentation;

(D) assess the application of, and the resources necessary to better use, artificial intelligence in logistics and sustainment systems;

(E) assess the integration of, and the resources necessary to better use, artificial intelligence for administrative functions;

(F) establish performance objectives and accompanying metrics for artificial intelligence modernization activities of the Coast Guard; and

(G) identify the resources necessary to effectively use artificial intelligence to carry out the missions of the Coast Guard.

(c) REPORT TO CONGRESS.—Not later than 180 days after the completion of the review required by subsection (a)(1), the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report on—

(1) the findings of the Commandant with respect to such review and any action taken or proposed to be taken by the Commandant, and the resources necessary to address such findings;

(2) the performance objectives and accompanying metrics established under subsections (a)(3) and (b)(1)(B); and

(3) any recommendation with respect to proposals for legislative change necessary to substantially implement artificial intelligence applications within the Coast Guard.

SEC. 5233. CYBER DATA MANAGEMENT.

(a) IN GENERAL.—The Commandant and the Director of the Cybersecurity and Infrastructure Security Agency shall—

(1) develop policies, processes, and operating procedures governing—

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(A) access to and the ingestion, structure, storage, and analysis of information and data relevant to the Coast Guard Cyber Mission, including—
(i) internet traffic, topology, and activity data relevant to such missions; and
(ii) cybersecurity information relevant to such missions; and
(B) data management and analytic platforms relating to such missions; and
(2) evaluate data management platforms referred to in paragraph (1)(B) to ensure that such platforms operate consistently with the Coast Guard Data Strategy.
Sec. 5236. DATA MANAGEMENT.

The Commandant shall develop data workbooks for the labeling of mission-relevant data by the Coast Guard to enhance operational effectiveness and efficiency.

Sec. 5237. STUDY ON CYBER THREATS TO THE UNITED STATES MARINE TRANSPORTATION SYSTEM.

(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 commence a study on cyber threats to the United States marine transportation system.

(b) Elements.—The study required by paragraph (a) shall assess the following:

(1) the extent to which the Coast Guard, in collaboration with other Federal agencies, sets standards for the cybersecurity of facilities and vessels regulated under parts 104, 106, or 108 of title 33 of the Code of Federal Regulations, as in effect on the date of the enactment of this Act.
(2) the manner in which the Coast Guard ensures that cybersecurity standards are followed by port, vessel, and facility owners and operators.
(3) the extent to which maritime sector-specific planning addresses cybersecurity, particularly for vessels and offshore platforms.
(4) the manner in which the Coast Guard, other Federal agencies, and vessel and offshore platform operators exchange information regarding cyber risks.
(5) the extent to which the Coast Guard is developed, and disseminating cybersecurity specialists in port and vessel systems and collaborating with the private sector to increase the expertise of the Coast Guard with respect to cybersecurity.
(6) the cyber resource and workforce needs of the Coast Guard necessary to meet future mission demands.
(c) Report.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit a report on the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) Definition of Facility.—In this section the term ‘facility’ has the meaning given the term in section 70101 of title 46, United States Code.

Subtitle E—Aviation

Sec. 5241. SPACE-AVAILABLE TRAVEL ON COAST GUARD AIRCRAFT: PROGRAM AUTHORIZATION AND ELIGIBLE RECIPIENTS.

(a) In General.—Subchapter I of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§509. Space-available travel on Coast Guard aircraft

(a)(1) The Coast Guard may establish a program to provide transportation on Coast Guard aircraft to eligible individuals to the extent there is in effect a policy determined (B) to provide for the leveraging of such platforms operate consistently with the Coast Guard Data Strategy.
(b)(1) The Commandant shall operate the program in a budget-neutral manner.
(b)(2) Except as provided in subparagraph (B), no additional funds may be used, or flight hours performed, for the purpose of providing transportation under the program.
(b)(3) The Commandant may make de minimis expenditures required for the administrative aspects of the program.
(b)(4) Eligible individuals described in subsection (c) shall not be required to reimburse the Coast Guard for travel provided under this section.
(b)(5) Subject to subsection (d), the categories of eligible individuals described in this subsection are the following:
(1) Members of the armed forces on active duty.
(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.
(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components who, but for being under the eligibility age applicable under section 12731 of title 10, would be eligible for retired pay under chapter 1225 of title 10.
(4) Subject to subsection (f), veterans with a permanent service-connected disability rated as total.
(5) Subject to subsection (c), members of families of dependents of eligible individuals described in paragraphs (1) through (4) as the Commandant shall specify in the policy under subsection (B), under such conditions and circumstances as the Commandant shall specify in such policy.
(b)(6) Other such categories of individuals as the Commandant, in his discretion, considers appropriate.
(b)(7) In operating the program, the Commandant shall—
(1) in the sole discretion of the Commandant, establish an order of priority for transportation for categories of eligible individuals that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;
(2) give priority in consideration of transportation to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such service.
(b)(8) Implement policies aimed at ensuring cost control (as required by subsection (b)) and the safety, security, and efficient processing of travel under the program.
(b)(9) Preempts the authority of an air carrier commander to determine who boards the aircraft and any other matter in connection with the operation of the aircraft.
(b) In General.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the House of Representatives a report that includes—
(1) an assessment of the progress on the activities required by subsection (a); and
(2) any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to improve Coast Guard cyber data management.

Sec. 5242. REPORT ON COAST GUARD AIR STATION BARBERS POINT HANGAR.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the House of Representatives a report that includes—
(1) a description of the changes to the management of the air station barbers point hangar under the program for the period ending on the date of the enactment of this Act; and
(2) any recommendation with respect to the management of such hangar under the program.
Representatives a report on facilities requirements for constructing a hangar at Coast Guard Air Station Barbers Point at Oahu, Hawaii.

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

(1) A description of the $45,000,000 phase one design for the hangar at Coast Guard Air Station Barbers Point funded by the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1132).

(2) An evaluation of the full facilities requirements for such hangar to house, maintain, and operate the MH-65 and HC-130J, including—

(A) storage and provision of fuel; and

(B) maintenance and parts storage facilities.

(3) An evaluation of facilities growth requirements for potential future basing of the MH-60 with the C-130J at Coast Guard Air Station Barbers Point.

(4) A description of and cost estimate for each project phase for the construction of such hangar.

(5) A description of the plan for sheltering in the hangar during extreme weather events aircraft of the Coast Guard and other agencies, such as the National Oceanic and Atmospheric Administration.

(6) A description of the risks posed to operational risks to Coast Guard Air Station Barbers Point if future project phases for the construction of such hangar are not funded.

SEC. 5243. STUDY ON THE OPERATIONAL AVAILABILITY OF THE COAST GUARD—GUARD AVIATION.

(a) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall commence a study on the operational availability of Coast Guard aircraft.

(b) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) An assessment of—

(i) the extent to which the fixed-wing and rotary-wing aircraft of the Coast Guard have met annual operational availability targets in recent years;

(ii) the extent to which such aircraft, entering the ready pool, are integrated with the Future Vertical Lift initial development phase, and the extent to which such aircraft need modernization.

(2) BRIEFING.—Not later than 180 days after the date on which the study required by paragraph (1) is completed, the Commandant shall provide to 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 study.

Subtitle F—Workforce Readiness

SEC. 5251. AUTHORIZED STRENGTH.

Section 3702 of title 14, United States Code, is amended by adding at the end the following:

"(c) The Secretary may vary the authorized end strength of the Selected Reserve of the United States Coast Guard Reserve for a fiscal year by a number equal to not more than 3 percent of such end strength upon a determination by the Secretary that such a variation is in the national interest.

"(d) The Commandant may increase the authorized end strength of the Selected Reserve of the United States Coast Guard Reserve by a number equal to not more than 2 percent of such end strength if the Commandant determines that such an increase would enhance manning and readiness in essential units or in critical specialties or ratings."

SEC. 5252. NUMBER AND DISTRIBUTION OF OFFICERS ON ACTIVE DUTY PROMOTION LIST.

(a) Maximum Number of Officers.—Section 2105(a) of title 14, United States Code, is amended to read as follows:

"(a) (1) The number of commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 7,400.

(b) Temporary Increase.—Notwithstanding paragraph (1), the Commandant may temporarily increase the total number of commissioned officers permitted under that paragraph by not more than 60 days after the date of the commissioning of a Coast Guard Reserve officer to the rank of lieutenant commander.

"(3) Notification.—If the Commandant increases pursuant to paragraph (2) the total number of commissioned officers permitted under that subsection, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the number of officers on the active duty promotion list on the last day of the preceding 30-day period—

"(A) not later than 30 days after such increase; and

"(B) every 30 days thereafter until the total number of commissioned officers no longer exceeds the total number of commissioned officers permitted under paragraph (1)."

(b) Officers NOT on Active Duty Promotion List.—

(1) IN GENERAL.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

"5113. Officers not on active duty promotion list. "Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105(a) of title 31, the Commandant shall submit to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the number of Coast Guard officers who are serving at other Federal agencies on a reimbursable basis, and the number of Coast Guard officers who are serving at other Federal agencies on a non-reimbursable basis, and are not on the active duty promotion list."

(2) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

"5113. Officers not on active duty promotion list."

SEC. 5253. CONTINUATION ON ACTIVE DUTY OF OFFICERS WITH CRITICAL SKILLS.

(a) IN GENERAL.—Subchapter II of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

"2166. Continuation on active duty of officers with critical skills.

"(a) IN GENERAL.—The Commandant may authorize an officer in grade O-2 to remain on active duty after the date otherwise provided for the retirement of the officer in section 2154 of this title if the officer possesses a critical skill or specialty or is in a career field designated pursuant to subsection (b).

"(b) CRITICAL SKILL, SPECIALTY, OR CAREER FIELD.—The Commandant shall designate 1 or more critical skills, specialties, or career fields for purposes of subsection (a).

"(c) DURATION OF CONTINUATION.—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

"(d) Policy.—The Commandant shall carry out this section by prescribing policy that specifies the criteria to be used in designating 1 or more critical skills, specialties, or career field for purposes of subsection (b)."

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

"2166. Continuation on active duty of officers with critical skills."

October 11, 2022
SEC. 5254. CAREER INCENTIVE PAY FOR MARINE INSPECTORS.

(a) AUTHORITY TO PROVIDE ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of the department in which the Coast Guard is operating may provide assignment pay or special duty pay under section 312 of title 14, United States Code, to a member of the Coast Guard serving in a position that meets the requirements of that section for any year, interest on the amount paid in the same manner as is otherwise required under section (c) is completed and submitted as required by subsection (a) during the preceding year.

(2) ELEMENTS.—Each briefing required by paragraph (1) shall include the following:

(A) The number of members of the Coast Guard serving as marine inspectors or marine investigators pursuant to section 312 of title 14, United States Code, who are receiving assignment pay or special duty pay under section 312 of title 37, United States Code.

(B) An assessment of the impact of the use of the authority to provide assignment pay and special duty pay under section 312 of title 14, United States Code, on permitting and inspecting vessels that are subject to the jurisdiction of the United States.

(C) An assessment of the effects of assignment pay and special duty pay on retention of qualified marine and marine investigators.

(D) If the authority provided in subsection (a) is not exercised, a detailed justification for not exercising such authority, including an explanation of the efforts the Secretary of the department in which the Coast Guard is operating is taking to ensure that the Coast Guard workforce contains an adequate number of qualified marine inspectors.

(c) STUDY.—

(I) IN GENERAL.—Not later than 2 years after enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on any uses of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each briefing required by paragraph (1) shall include the following:

(A) The number of members of the Coast Guard serving as marine inspectors or marine investigators pursuant to section 312 of title 14, United States Code, who are receiving assignment pay or special duty pay under section 312 of title 37, United States Code.

(B) An assessment of the impact of the use of the authority to provide assignment pay and special duty pay under section 312 of title 14, United States Code, on permitting and inspecting vessels that are subject to the jurisdiction of the United States.

(C) An assessment of the effects of assignment pay and special duty pay on retention of qualified marine and marine investigators.

(d) TERMINATION.—The authority provided by subsection (a) shall terminate on December 31, 2027, unless the study required by subsection (2) is submitted as required by that subsection.

SEC. 5255. EXPANSION OF THE ABILITY FOR SELECTION BOARD TO RECOMMEND MEMBERS ON ACTIVE DUTY IN SPECIFIED MILITARY SPECIALTIES

Section 2116(c)(1) of title 14, United States Code, is amended, in the section heading, by inserting “three times” after “may exceed”.

SEC. 5256. MODIFICATION TO EDUCATION LOAN REPAYMENT PROGRAM

(a) IN GENERAL.—Section 2772 of title 14, United States Code, is amended to read as follows:

“§ 2772. Education loan repayment program: members on active duty in specified military specialties

(1) Subject to the provisions of this section, the Secretary may repay—

(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.);

(C) any loan made under part E of such title (20 U.S.C. 1087a et seq.); or

(D) any loan incurred for educational purposes made by a lender that is—

(i) an agency or instrumentality of a State;

(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State; or

(iii) a nonprofit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section;

(2) Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

(3) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as a member of the coast guard, a member of a military specialty specified by the Secretary.

(4) The portion or amount of a loan that may be repaid under subsection (a) is 33 1/3 percent or $1,500, whichever is greater, for each year of service.

(5) If a portion of a loan is repaid under this section for any year, interest on the remaining amount of such loan shall accrue and be paid in the same manner as is otherwise required.

(6) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

(a)(2) or (g) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

(b) The Secretary shall prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 16301 of title 10 during any year for which funds are to pay the sum of the amounts eligible for repayment under subsection (a) and section 16301(a) of title 10.

(6) Except as a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of title 10, a member of the Coast Guard who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 363(e) or 372 of title 37.

(c) The Secretary may prescribe procedures for implementing this section, including standards for qualified loans and authorized special duty, and other terms and conditions for making loan repayments. Such regulations may include exceptions that would affect the payment of any loan repayment due to a member under a written agreement that existed at the time of a member’s death or disability.

(b) C LERICAL AMENDMENT.—The analysis for subchapter III of chapter 27 of title 14, United States Code, is amended by striking the item relating to section 2772 and inserting the following:

“2772. Education loan repayment program: members on active duty in specified military specialties.”.

SEC. 5257. RETIREMENT OF VICE COMMANDANT.

Section 303 of title 14, United States Code, is amended—

(1) by amending subsection (a)(2) to read as follows:

“(2) A Vice Commandant who is retired while serving as Vice Commandant, after serving not less than 2 years as Vice Commandant, shall be retired with the grade of admiral, except as provided in section 366(d),”;

and

(2) in subsection (c), by striking “or Vice Commandant” and inserting “and Vice Commandant who has served less than 2 years as Vice Commandant”.

SEC. 5258. REPORT ON RESIGNATION AND RETIREMENT PROCESSING TIMES AND DENIAL.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report that evaluates resignation and retirement processing timelines.

(b) C LERICAL AMENDMENT.—The report required by subsection (a) shall include the following for the preceding calendar year—

(1) statistics on the number of resignations, retirements, and other separations that occurred;

(2) the processing time for each action described in paragraph (1);

(3) the percentage of requests for which funds had a command endorsement;

(4) the percentage of requests for such actions that had a command endorsement; and

(5) for each denial of a request for a command endorsement and each failure to take action on such a request, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates resignation and retirement processing timelines.

(i) a review of the reasons for each denial; and

(j) a review of the process for making such determinations.
SEC. 5259. PHYSICAL DISABILITY EVALUATION SYSTEM PROCEDURE REVIEW.

(a) STUDY.—
(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study on the Coast Guard Physical Disability Evaluation System and medical retirement procedures.
(2) ELEMENTS.—The study required by paragraph (1) shall review, and provide recommendations for improving the following:
(A) Coast Guard compliance with all applicable laws, regulations, and policies relating to the Physical Disability Evaluation System and medical retirement procedures.
(B) Coast Guard compliance with timelines set forth in:
(i) the instruction of the Commandant, entitled "Physical Disability Evaluation System" issued on May 19, 2006 (COMDTNST M1850.2D); and
(ii) the Physical Disability Evaluation System Transparency Initiative (ALCOPS/C 030/20).
(C) An evaluation of Coast Guard processes in place to ensure the availability, consistency, and completeness of counsel appointed by the Coast Guard Office of the Judge Advocate General to represent members of the Coast Guard undergoing an evaluation under the Physical Disability Evaluation System and the Personnel Service Center, or other Coast Guard entity, with respect to the health or safety of the member, command, or any other individual.
(D) The availability of results provided with the results of the multirater assessment to—
(1) the person and the recommendation for promotion of the person; and
(2) the Commandant to the promotion board during its consideration of the person for promotion.

(b) REPORT.—The Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Appropriations of the Senate, a report on the findings and recommendations contained in the report.

SEC. 5261. PROMOTION PARITY.

(a) INFORMATION TO BE FURNISHED.—Section 2115(a) of title 14, United States Code, is amended—
(1) in paragraph (1), by striking "", and" and inserting a semicolon;
(2) in paragraph (2), by striking the period at the end and inserting ""; and
(3) by striking "the Secretary", and inserting "the Comptroller General of the United States, after the date on which the report under subsection (a) was submitted, in accordance with standards and procedures set out in the regulations prescribed by the Secretary.",

(b) SPECIAL SELECTION REVIEW BOARDS.—
(A) IN GENERAL.—(1) The Comptroller General shall review, and provide recommendations to address, the following:
(A) A requirement that a member of the Coast Guard, or the counsel of such a member, shall be present at the evaluation of, and afforded the option to be present for, any communication between the member’s command and the Personnel Service Center, or other Coast Guard entity, with respect to the duty status of the member.
(B) An exception to the requirement described in paragraph (A) that such a member or the counsel of the member is not required to be informed of the contents of such a communication if it is demonstrated that the medical evaluation required by this section is necessary for the health or safety of the member, command, or any other individual.

(B) AVAILABILITY OF RESULTS.—The Comptroller General shall, after the date on which the report under subsection (a) was submitted, in accordance with standards and procedures set out in the regulations prescribed by the Secretary,
(B) any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry and any information placed in the personnel file of the person concerned by the decision to remove, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 1745(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-63; 10 U.S.C. 1561 note), shall be furnished to the promotion board in accordance with standards and procedures set out in the regulations prescribed by the Secretary.

(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained or otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person, and shall consider whether the recommendation for promotion of the person should be sustained or otherwise required by such section, in accordance with the provisions of section 2121 of title 10, United States Code.

(d) CONVENING.—(1) Any special selection review board convened under this section shall convene in accordance with the provisions of section 2121 of title 10, United States Code.

(e) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained or otherwise required by such section, the Secretary shall convene a special selection review board under this section, and the Secretary shall be furnished and consider the following:
(A) The record and information concerning the person furnished in accordance with section 2115 of this title to the promotion board that recommended the person for promotion.
(B) Any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 1745(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-63; 10 U.S.C. 1561 note), shall be furnished to the special selection review board under paragraph 2121a(3) of title 10, United States Code.
(1)(B) shall be governed by the standards and procedures referred to in section 2115 of this title.

(3)(A) Before information on a person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary shall ensure that—

(i) such information is made available to the person; and

(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this subsection.

(B) If information on a person described in paragraph (1)(B) is not made available to the person under otherwise required by subparagraph (A)(ii) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person’s authorization for access to classified information.

(C)(i) An opportunity to submit comments under subparagraph (A)(ii) shall be required for a person under subparagraph (A)(ii) if—

(I) such information was made available to the person in connection with the furnishing of information under section 2115(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

(D) A person may waive either or both of the following:

(i) the right to submit comments to a special selection review board under subparagraph (A)(ii); and

(ii) the furnishing of comments to a special selection review board under subparagraph (C)(ii).

(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

(e) CONSIDERATION.—The Secretary shall ensure that the special selection review board determines whether the recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person—

(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer higher on the order of merit list who was not recommended for promotion by the promotion board concerned; and

(B) is comparable in qualification for promotion to officers who were recommended for promotion by that promotion board.

(f) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

(g) A recommendation for promotion of a person described in paragraph (1)(B) does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion under this section.

(h) The furnishing of comments and the furnishing of such information under section 2115(a) of this title to the promotion board that recommended the promotion of a person whose recommendation for promotion is not sustained under section 2115(a) of this title shall be considered to have failed of selection for promotion for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

(i) DELAY OF PROMOTION.—Section 2121(f) of title 14, United States Code, is amended by adding at the end the following:

"(3)(A) before the date the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 2106 of this title.

(B) PROMOTION BOARD DEFINED.—In this section, the term ‘promotion board’ means a selection board convened by the Secretary under section 2106 of this title.

(C) AVAILABILITY OF INFORMATION.—Section 2118 of title 14, United States Code, is amended by adding at the end the following:

"(3) The furnishing of comments and the furnishing of such information to that promotion board.

(D) The furnishing of comments and the furnishing of such information to that promotion board.

(E) If the Secretary makes a recommendation for promotion of a person whose recommendation for promotion is not sustained under section 2115(a) of this title to review the personnel records of those officers who were considered by and not recommended for promotion by that promotion board shall compare such record and information on a person under section 2106 of this title, the Secretary shall prescribe regulations to carry out this section.

(F) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(G) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(H) PROMOTION BOARD DEFINED.—In this section, the term ‘promotion board’ means a selection board convened by the Secretary under section 2106 of this title.

(I) CLEARENCE.—The analysis for subchapter I of chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2120 the following:

"2120a. Special selection review boards."

(j) AVAILABILITY OF INFORMATION.—Section 2118 of title 14, United States Code, is amended by adding at the end the following:

"(3) An officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion been timely.

(k) ELIGIBLE INSTITUTIONS.—In this section, the term ‘eligible institution’ means—

(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(2) an institution of higher education (as defined in section 316(b) of that Act (20 U.S.C. 1001));

(3) an institution of higher education (as defined in section 316(b) of that Act (20 U.S.C. 1001));

(4) a Tribal College or University (as defined in section 316(b) of that Act (20 U.S.C. 1001));

(5) a Native American-serving institution (as defined in section 317(b) of that Act (20 U.S.C. 1001));

(6) an Alaska Native-serving institution or a Native American-serving institution (as defined in section 317(b) of that Act (20 U.S.C. 1001));

(7) a Predominantly Black institution (as defined in section 371(c) of that Act (20 U.S.C. 1071(q))).
SEC. 5263. EXPANSION OF COAST GUARD JUNIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) In General.—Section 320 of title 14, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by adding a new subsection (c) as follows:

"(c) Scope.—Beginning on December 31, 2025, the Secretary of the department in which the Coast Guard is operating shall maintain at all times a Junior Reserve Officers’ Training Corps program with not fewer than 1 such program established in each Coast Guard district." 

(b) Cost Assessment.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to Congress an estimate of the costs associated with implementing the amendments made by this section.

SEC. 5264. REPRESENTATION OF WOMEN AND RACIAL AND ETHNIC MINORITIES AMONG U.S. COAST GUARD BOARD MEMBERS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, in consultation with the Advisory Board on Women at the Coast Guard Academy established under section 1904 of title 14, United States Code, and the minority outreach team program established by section 1905 of such title, the Commandant shall—

(1) determine which recommendations in the RAND representation report may practically be implemented to promote improved representation in the Coast Guard of—

(A) women; and

(B) racial and ethnic minorities; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions the Commandant has taken, to implement such recommendations.

(b) Curriculum and Training.—In the case of any action the Commandant plans to take to implement such recommendations, modified curriculum and training shall be provided at officer and accession points and at leadership courses managed by the Coast Guard Leadership Development Center.

(c) Definition of RAND Representation Report.—In this section, the term "RAND representation report" means the report of the Homeland Security Operational Analysis Center of the RAND Corporation entitled "Improving the Representation of Women and Racial/Ethnic Minorities Among U.S. Coast Guard Active-Duty Members" issued on August 11, 2021.

SEC. 5265. STRATEGY TO ENHANCE DIVERSITY THROUGH RECRUITMENT AND ACCESS TO EQUITY IN THE UNITED STATES.

(a) In General.—The Commandant shall develop a 10-year strategy to enhance Coast Guard diversity through recruitment and accessing—

(1) at educational institutions at the high school and higher education levels; and

(2) for the officer and enlisted ranks.

(b) Analysis.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategy developed under subsection (a).

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

(A) A description of how the Coast Guard recruitment and accession programs at educational institutions at the high school and higher education levels shall maintain at all times a Junior Reserve Officers’ Training Corps program with not fewer than 1 such program established in each Coast Guard district.

(B) An explanation of the manner in which the strategy supports the Coast Guard’s overall diversity and inclusion action plan.

(C) A description of how the Commandant in consultation with the Advisory Board on Women at the Coast Guard Academy established under section 1904 of title 14, United States Code, is amended by adding at the end the following:

"§ 953. Support for Coast Guard Academy

(a) Authority.—

(1) Contracting and Cooperative Agreements.—(A) The Commandant may enter into contract or cooperative agreements with 1 or more qualified organizations for the purpose of supporting athletic programs of the Coast Guard Academy.

(B) Notwithstanding section 320(c) of title 10, the Commandant may enter into such contracts or cooperative agreements on a sole source basis pursuant to section 320(h) of title 10.

(C) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Coast Guard Academy.

(2) Financial Controls.—(A) Before entering into a contract or cooperative agreement under paragraph (1), the Commandant shall ensure that the contract or agreement includes appropriate financial controls to account for the resources of the Coast Guard Academy and the qualified organization concerned in accordance with accepted accounting principles.

(B) Any such contract or cooperative agreement shall contain a provision that allows the Commandant to review, as the Commandant determines necessary, the financial accounts of the qualified organization to determine whether the operations of the qualified organization—

(i) are consistent with the terms of the contract or cooperative agreement; and

(ii) would compromise the integrity or appearance of integrity of any program of the Department of Homeland Security.

(3) Leases.—For the purpose of supporting the athletic programs of the Coast Guard Academy, the Commandant may, consistent with section 2390 of title 10 (other than subsection (d) of such section), enter into leases for the purpose of acquiring property or services for the direct benefit or use of the Coast Guard Academy.

(b) Support Services.—

(1) Authority.—To the extent required by a contract or cooperative agreement under subsection (a), the Commandant may provide support services to a qualified organization while the qualified organization conducts its support activities at the Coast Guard Academy only if the Commandant determines that the support services are essential for the support of the athletic programs of the Coast Guard Academy.

(2) No Liability of the United States.—Support services provided without any liability of the United States to a qualified organization.

(3) Support Services Defined.—In this subsection, the term ‘support services’ includes utilities, office furnishings and equipment, communications services, records management, and other personal support, and security systems, in conjunction with the leasing or licensing of property.

(c) Transfers From Nonappropriated Fund Instrumentality.—(1) In the case of any program at the Coast Guard Academy, including bank accounts and financial reserves in the accounts of such fund instrumentality, the function of which includes providing support for the athletic programs of the Coast Guard Academy, the Commandant may transfer to the Coast Guard Academy, or any individual involved in such a program,

(2) The Commandant may not transfer under paragraph (1) any interest in real property.

(d) Acceptance of Support From Qualified Organization.—

(1) In General.—Notwithstanding section 192 of title 31, the Commandant may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

(2) Employees of Qualified Organization.—For purposes of this section, employees or personnel of the qualified organization may not be considered to be employees of the United States.

(3) Funds Received From NCA.—The Commandant may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

(4) Limitation.—The Commandant shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (f) do not reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces (as defined in section 10(a) of title 10) to carry out any responsibility or duty in a fair and objective manner; or

(5) Compromise the Integrity or Appearance of Integrity of the Coast Guard, or Any Individual Involved in Such a Program.

(e) Trademarks and Service Marks.—

(1) Licensing, Marketing, and Sponsorship Agreements.—(A) An agreement under section 2390 of title 10 (other than subsection (d) of such section) that authorizes a qualified organization to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Coast Guard Academy, subject to the approval of the Commandant.

(B) Limitations.—A licensing, marketing, or sponsorship agreement may not be entered into under paragraph (a), (B) such agreement would reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces (as defined in section 10(a) of title 10) to carry out any responsibility or duty in a fair and objective manner; or

(B) The Commandant determines that the use of the trademark or service mark in question would compromise the integrity or appearance of integrity of any program of the Coast Guard or any individual involved in such a program.

(f) Retention and Use of Funds.—Funds received by the Commandant under this section may be retained for use to support the athletic programs of the Coast Guard Academy and shall remain available until expended.
“(g) Service on Qualified Organization Board of Directors.—A qualified organization is a designated entity for which authorization under sections 1033(a) and 1569(a) of title 5, United States Code, as added by subsection (a), is available.

“(h) Conditions.—The authority provided in this section with respect to a qualified organization is available only so long as the qualified organization continues—

“(1) to qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with the laws of the State of Connecticut, and the constitution and by-laws of the qualified organization; and

“(2) to operate exclusively to support the athletic programs of the Coast Guard Academy.

“(1) QUALIFIED ORGANIZATION DEFINED.—In this section, the term ‘qualified organization’ means an organization—

“(1) described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of that section; and

“(2) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting athletics.

“(2) appropriated fund instrumentality.

“§ 954. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds

“(a) In the case of a Coast Guard Academy mixed-funded athletic or recreational extracurricular program, the Commandant may designate funds appropriated to the Coast Guard and available for that program to be treated as non-appropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

“(b) COVERED PROGRAMS.—In this section, the term ‘Coast Guard Academy mixed-funded athletic or recreational extracurricular program’ means an athletic or recreational extracurricular program of the Coast Guard Academy to which each of the following applies:

“(1) The program is not a morale, welfare, or recreation program.

“(2) The program is supported through appropriated funds.

“(3) The program is supported by a nonappropriated fund instrumentality.

“(4) The program is not a private organization and is not operated by a private organization.

“(b) Clerical Amendment.—The analysis for subchapter II of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“953. Support for Coast Guard Academy.

“954. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds.”

SEC. 5267. TRAINING FOR CONGRESSIONAL AFFAIRS PERSONNEL.

(a) In General.—Section 315 of title 14, United States Code, is amended to read as follows:

“§ 315. Training for congressional affairs personnel.

“(a) In General.—The Commandant shall develop a training course, which shall be administered in person, on the workings of Congress for any member of the Coast Guard selected for a position as a fellow, liaison, counsel, administrative staff for the Coast Guard Office of Congressional and Governmental Affairs, or any Coast Guard district or area governmental affairs officer.

“(b) Course Subject Matter.—

“(1) In General.—The training course required by this section shall provide an overview and introduction to Congress and the Federal legislative process, including:

“(A) the congressional budget process;

“(B) the congressional appropriations process;

“(C) the congressional authorization process;

“(D) the Senate advice and consent process for Presidential nominees;

“(E) the Senate advice and consent process for treaty ratification;

“(F) the roles of Members of Congress and congressional staff in the legislative process; and

“(G) the concept and underlying purposes of congressional oversight within the governance framework of separation of powers.

“(2) The roles of Coast Guard fellows, liaison, counsel, governmental affairs officers, the Coast Guard Office of Program Review, the Coast Guard Headquarters program offices, and any other entity the Commandant considers relevant; and

“(1) the roles and responsibilities of Coast Guard public affairs and external communication personnel with respect to Members of Congress and their staff necessary to enhance communication between Coast Guard units, sectors, and districts and Member offices and congressional staff so as to ensure visibility of Coast Guard activities.

“(2) DETAIL WITHIN COAST GUARD OFFICE OF BUDGET AND PROGRAMS.—

“(A) The Commandant shall—

“(B) NONCONSECUTIVE DETAIL PERMITTED.—

“(1) The training course required by this section described in subsection (a) shall complete the training required by this section before the date on which such member reports for duty for such position.

“(b) Clerical Amendment.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“315. Training for congressional affairs personnel.

“SEC. 5268. STRATEGY FOR RETENTION OF CUTTermen.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Commandant shall publish a strategy to improve incentives to attract and retain a diverse workforce serving on Coast Guard cutters.

(b) Elements.—The strategy required by subsection (a) shall include the following:

“(1) Policies to improve flexibility in the officer career structure, including a policy that enables members of the Coast Guard serving on Coast Guard cutters to transition between operations aboard cutters and operations ashore, without detriment to their career progression.

“(2) A review of current officer requirements for afloat positions at each pay grade, and an assessment of whether such requirements are appropriate or present undue limitations.

“(3) Strategies to improve crew comfort aboard, such as berthing accommodations to accommodate all crewmembers.

“(4) Actionable steps to improve access to high-speed internet capable of video conferencing, educational, and personal use by members of the Coast Guard serving on Coast Guard cutters.

“(5) An assessment of the effectiveness of bonuses to attract members to serve at sea and retain talented members of the Coast Guard serving on Coast Guard cutters to serve in leadership positions, department head positions, and command positions.

“(6) Policies to ensure that high-performing members of the Coast Guard serving on Coast Guard cutters are competitive for special assignments, postgraduate education, senior service schools, and other career-enhancing opportunities.

“SEC. 5269. STUDY ON PERFORMANCE OF COAST GUARD FORCE READINESS COMMAND.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on the performance of the Coast Guard Force Readiness Command.

(b) Elements.—The study required by subsection (a) shall include an assessment of the following:

“(1) The actions the Force Readiness Command has taken to develop and implement training for the Coast Guard workforce.

“(2) The extent to which the Force Readiness Command—

“(A) has assessed performance, policy, and training compliance across Force Readiness Command headquarters and field units, and the results of any such assessments;

“(B) is modifying and expanding Coast Guard training to match the future demands of the Coast Guard with respect to growth in workforce numbers, modernization of assets and infrastructure, and increased global mission demands relating to the Arctic and Western Pacific regions and cyberspace.

“(c) Report.—Not later than 1 year after the study required by subsection (a) commences, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

“SEC. 5270. STUDY ON FREQUENCY OF WEAPONS TRAINING FOR COAST GUARD PERSONNEL.

(a) In General.—The Commandant shall conduct a study to assess whether current weapons training required for Coast Guard law enforcement and other relevant personnel is sufficient.

(b) Elements.—The study required by subsection (a) shall—

“(1) assess whether there is a need to improve weapons training for Coast Guard law enforcement and other relevant personnel; and

“(2) identify—

“(A) the frequency of such training most likely to ensure adequate weapons training, proficiency, and safety among such personnel; and

“(B) Coast Guard law enforcement and other applicable personnel who should be provided the opportunity to receive such improved training; and

“(C) any challenge posed by a transition to improving such training and offering such training on a more frequent basis and the resources necessary to address such a challenge.

“(d) Report.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study conducted under subsection (a).

Subtitle G—Miscellaneous Provisions

SEC. 5281. BUDGETING OF COAST GUARD RELATING TO CONGRESSIONAL AFFAIRS PERSONNEL.

(a) In General.—Chapter 31 of title 14, United States Code, as amended by section
SEC. 5282. COAST GUARD ASSISTANCE TO UNITED STATES SECRET SERVICE.

Section 5 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended—

(1) by striking “Executive departments” and inserting the following:

“(a) In general—

(1) A detailed description of the purpose of the assistance provided pursuant to this section;

(2) An identification of the approving authority for such expenditure.

(3) An identification of the approving authority for such expenditure.

(2) by striking “Director; except that the Attorney General of the United States, or the>(a) T RANSFER.—Section 914 of the Coast Guard Authorization Act of 2010 (Public Law 111–281) is amended by inserting at the end the following:

“SEC. 5284. AUTHORIZATION RELATING TO CERTAIN INTELLIGENCE AND COUNTER INTELLIGENCE ACTIVITIES OF THE COAST GUARD.

(a) Authorization.—Consistent with the requirements for funds, coordination and consultation required pursuant to section 611 of the Countering Intelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381) and section 902 of the Countering Intelligence and Security Enhancements Act of 2002 (50 U.S.C. 3382), the Commandant may expend amounts made available for the intelligence and counterintelligence activities of the Coast Guard to conduct such an activity without regard to any other provision of law or regulation relating to the expenditure of Government funds, if the object of the activity is of a confidential, extraordinary, or emergency nature.

(b) Quarterly report.—At the beginning of each fiscal quarter, the Commandant shall submit to the Committee of Congress a report that includes, for each individual expenditure during the preceding fiscal quarter under subsection (a), the following:

(1) A detailed description of the purpose of such expenditure.

(2) The amount of such expenditure.

(3) An identification of the approving authority for such expenditure.

(4) A justification as to why other authorities available to the Coast Guard could not be used for such expenditure.

(5) Any other matter the Commandant considers appropriate.

(c) Appropriations committees of Congress.—In this section, the term “appropriations committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the House of Representatives;

(2) the Committee on Transportation and Infrastructure and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) Sunset.—This section shall cease to have effect on the date that is 3 years after the date of the enactment of this Act.

SEC. 5285. TRANSFER AND CONVEYANCE.

(a) In general.—

(1) Requirement.—The Commandant shall, without consideration, transfer in accordance with subsection (b) and convey in accordance with subsection (c) a parcel of real property described in paragraph (1), including any improvements thereon, to the Coast Guard is operating, or the designee of the Secretary, shall notify the appropriate committees of Congress and the Coast Guard of the general purpose of the proposed conveyance not later than 3 full business days before—

SEC. 5286. TRANSPARENCY AND OVERSIGHT.

(a) Notification.—

(1) In general.—Subject to subsection (b), the Committee on Intelligence of the Senate, which the Coast Guard is operating, or the designee of the Secretary, shall notify the appropriate committees of Congress and the Coast Guard of the general purpose of the proposed conveyance not later than 3 full business days before—
(A) making or awarding a grant allocation or grant in excess of $1,000,000; (B) making or awarding a contract, other transaction agreement, or task or delivery order the value of which is greater than $10,000,000 from multi-year Coast Guard funds; (C) making a sole-source grant award; or (E) any award publicly advertised inviting offers of proposal without issuing a request for proposals, and subsequently changing the requirements of the solicitation.

(f) Implementation of (a) and (b): In any case in which funds are obligated in a fiscal year and such obligations are subsequently modified or increased, the report required by subsection (a) shall be issued.

(g) OMB directive: The administrator of the Coast Guard shall implement this Act and any amendments made to this Act by section 1203(a) of the Coast Guard Authorization Act for Fiscal Year 2022 (Public Law 116-260).
(C) by inserting after paragraph (1) the following:

"(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term 'covered unmanned aircraft system' means—

"(A) an unmanned aircraft system described in paragraph (1) of subsection (a); and

"(B) a system described in paragraph (2) of that subsection.

(D) in paragraph (4), as redesignated, by inserting "", and any related services and equipment"", after "‘United States Code’; and

(E) in paragraph (5) after "under subsection (a), the Secretary of the department in which"

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the delivery of national security information to any Federal or State law or regulation.

SEC. 5290. PROCUREMENT OF TETHERED AERO-STAT RADAR SYSTEM FOR COAST GUARD STATION SOUTH PADRE ISLAND, TX

Subject to the availability of appropriations, the Secretary of the department in which the Coast Guard is operating shall provide for the secure sharing of data, information, and surveillance necessary for operational missions for the secure sharing of data, information, and surveillance necessary for operational missions such as training, and implementing the standards for recognizing, handling, testing, and securing illegal drugs, fentanyl and other synthetic opioids, and precursor chemicals during such operations.

SEC. 5292. ASSESSMENT OF IRAN SANCTIONS REQUIREMENTS FOR COAST GUARD OPERATIONS UNDER THE JOINT COMPREHENSIVE PLAN OF ACTION

Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Defense Intelligence Agency and the Commandant of United States Central Command, shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, on—

(1) the extent to which the Commandant assesses Iran would use sanctions relief received by Iran under the Joint Comprehensive Plan of Action to bolster Iran’s support for Iranian forces or Iranian-linked groups across the Middle East in a manner that may impact Coast Guard personnel and operations in the Middle East; and

(2) the Coast Guard requirements for detecting and countering increased malign behavior from such groups with respect to activities under the jurisdiction of the Coast Guard.

SEC. 5294. REPORT ON SHIPYARDS OF FINLAND AND SWEDEN

Not later than 2 years after the date of the enactment of this Act, the Commandant, in consultation with the Comptroller General of the United States, shall submit to Congress a report that analyzes the shipyards in Finland and Sweden to assess future opportunities for technical assistance related to engineering to aid the Coast Guard in fulfilling its future mission needs.

SEC. 5295. PROHIBITION ON CONSTRUCTION CONTRACTS WITH ENTITIES ASSOCIATED WITH THE CHINESE COMMUNIST PARTY

(a) IN GENERAL.—The Commandant may not award any contract for new construction until the date on which the Commandant provides to Congress a certification that the other party has not, during the 10-year period preceding the date on which the Commandant determines that the Coast Guard is ready to enter into contract relations with the other party, with biological and physical oceanographic features that aggregate Calanus finmarchicus; and

(b) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the appropriate committees of Congress a report on the results of the review conducted under paragraph (1).
(3) **EXCLUSIVE ECONOMIC ZONE.**—The term "exclusive economic zone" has the meaning given that term in section 101(a) of the Internal Revenue Code of 1986 and from that date of enactment of this Act.

(4) **FUERTE SOUND REGION.**—The term "Puget Sound region" means the Vessel Traffic Service Puget Sound area described in section 603(a)(14) of title 33, United States Code.

(5) **LARGE CETACEAN.**—The term "large cetacean" means an endangered or threatened species within—

(A) the suborder Mysticeti;

(B) the order Odontoceti; or

(C) the genus Orcinus.

(6) **NEAR-REAL-TIME.**—The term "near-real-time", with respect to monitoring of whales, means that visual, acoustic, or other detections of whales are processed, transmitted, and reported as close to the time of detection as is technically feasible.

(7) **NONPROFIT ORGANIZATION.**—The term "nonprofit organization" means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from income tax under section 501(a) of such Code.

(8) **PUGET SOUND REGION.**—The term "Puget Sound region" means the Vessel Traffic Service Puget Sound area described in section 603(a)(14) of title 33, United States Code (as of the date of the enactment of this Act).

(9) **TRIBAL GOVERNMENT.**—The term "Tribal government" means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, or other entity identified (including parenthetically) in the list published most recently as of the date of the enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5313).

(10) **UNDER SECRETARY.**—The term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

**SEC. 5313. ASSISTANCE TO PORTS TO REDUCE THE IMPACTS OF VESSEL TRAFFIC AND PORT OPERATIONS ON MARINE MAMMALS.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Under Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Secretary, the Secretary of Commerce, and the Administrator of the Maritime Administration, shall establish a grant program to provide assistance to eligible entities to develop and implement mitigation measures that will lead to a quantifiable reduction in threats to marine mammals from vessel traffic, including shipping activities and port operations.

(b) ELIGIBLE USES.—(1) An entity is an eligible entity for purposes of assistance awarded under subsection (a) if the entity—

(1) is a port authority for a port; or

(2) includes, in the case of a local, regional, or Tribal government, or an Alaska Native or Native Hawaiian entity that has jurisdiction over a maritime port authority or a port; or

(3) is an academic institution, research institution, or nonprofit organization working in partnership with a port; or

(4) is a consortium of entities described in paragraphs (1), (2), or (3).

(c) ELIGIBLE USES.—Assistance awarded under subsection (a) may be used to develop, assess, and carry out activities that reduce threats to marine mammals by—

(1) reducing underwater stressors related to marine traffic;

(2) reducing mortality and serious injury from vessel strikes and other physical disturbances;

(3) monitoring sound;

(4) reducing vessel interactions with marine mammals;

(5) conducting other types of monitoring that are consistent with reducing the threats to, and enhancing the habitats of, marine mammals; or

(6) supporting States agencies and Tribal governments in developing the capacity to receive assistance under this section through education, training, information sharing, and collaboration to participate in the grant program under this section.

(d) PRIORITY.—The Under Secretary shall prioritize assistance under subsection (a) for projects that—

(1) are based on the best available science with respect to methods to reduce threats to marine mammals;

(2) collect data on the reduction of such threats and the effects of such methods;

(3) assist ports that pose a higher relative threat to marine mammals listed as threatened or endangered; and

(4) receive assistance under this section through a grant program under this section.

(e) FUNDING.—From funds otherwise appropriated to the Under Secretary, such sums as may be necessary to carry out the program under this section.

(f) REPORT.—Not earlier than 180 days after the date of enactment of this Act, the Under Secretary, in consultation with the Secretary, shall report to the Congress that includes the following information—

(1) how to apply for assistance under subsection (a);

(2) the benefits of such assistance; and

(3) the facilities of best practices and lessons learned from activities carried out using such assistance.

(g) OUTREACH.—The Under Secretary, in coordination with the Secretary, the Administrator of the Maritime Administration, and the Director of the United States Fish and Wildlife Service, as appropriate, shall conduct coordinated outreach to ports to provide information with respect to—

(1) how to apply for assistance under subsection (a);

(2) the benefits of such assistance; and

(3) the facilities of best practices and lessons learned from activities carried out using such assistance.

(h) TIMELINESS.—The Under Secretary shall design and deploy a near real-time monitoring system and research and monitoring assets to inform the likelihood of North Atlantic right whales that—

(1) are in close proximity to areas in which threats to marine mammals are known to experience other stressors; or

(2) are in close proximity to areas in which threats to marine mammals are known to experience other stressors.

**SEC. 5312. NEAR-REAL-TIME MONITORING AND MITIGATION PROGRAM FOR LARGE CETACEANS.**

(a) ESTABLISHMENT.—The Under Secretary, in coordination with the Secretaries of Commerce, State, and the Interior, shall design and deploy a near real-time monitoring and mitigation program for large cetaceans.

(b) REQUIREMENTS.—The Program shall—

(1) prioritize species of large cetaceans for which impacts from vessel collisions are of particular concern;

(2) identify areas where such impacts are of particular concern;

(3) be capable of detecting and alerting ocean users and enforcement agencies of the probable location of large cetaceans on an actionable real-time basis, including through real-time data whenever possible;

(4) implement mitigation strategies to reduce vessel interactions with marine mammals;

(5) enhance and implement monitoring methods, and mitigation protocols designed to identify and ensure coverage of—

(A) core foraging habitats; and

(B) important feeding, breeding, calving, rearing, or migratory habitats of North Atlantic right whales that—

(i) have defined areas of high risk of mortality or serious injury of such whales from vessels, vessel strikes, or disturbance;

(ii) are in close proximity to areas in which threats to marine mammals are known to experience other stressors; or

(iii) are in close proximity to areas in which threats to marine mammals are known to experience other stressors;

(6) be informed by technologies, monitoring methods, and mitigation strategies developed under the pilot project required by subsection (d); and

(7) be informative to large cetaceans exposed by vessel collisions, and to minimize other impacts on large cetaceans, through the use of near real-time location monitoring and location information.

(c) REQUIREMENTS.—The Program shall—

(1) prioritize species of large cetaceans for which impacts from vessel collisions are of particular concern;

(2) identify and ensure coverage of—

(A) core foraging habitats; and

(B) important feeding, breeding, calving, rearing, or migratory habitats of North Atlantic right whales that—

(i) have defined areas of high risk of mortality or serious injury of such whales from vessels, vessel strikes, or disturbance;

(ii) are in close proximity to areas in which threats to marine mammals are known to experience other stressors; or

(iii) are in close proximity to areas in which threats to marine mammals are known to experience other stressors;

(3) be developed under the pilot project required by subsection (d); and

(4) be informative to large cetaceans exposed by vessel collisions, and to minimize other impacts on large cetaceans, through the use of near real-time location monitoring and location information.
that is most likely to result in informed de-
cision making regarding the mitigation of those risks; and
(j) minimizes additional stressors to large cetaceans.
(4) REPORTS.—
(A) PRELIMINARY REPORT.—
(i) ORGANIZATION.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Com-
mittee on Natural Resources of the House of Representa-
tives, and make available to the public a preliminary report on the pilot project.
(ii) ELEMENTS.—The report required by clause (i) shall include the following:
(I) a description of the monitoring meth-
ods and technology in use or planned for de-
ployment under the pilot project.
(II) An analysis of the efficacy of the meth-
ods and technology in use or planned for de-
ployment for detecting North Atlantic right whales.
(iii) An assessment of the manner in which the monitoring system designed and de-
ployed under paragraph (3) is directly in-
forming and improving the management, health, and survival of North Atlantic right whales.
(iv) A prioritized identification of tech-
nology or research gaps.
(V) A plan to communicate the risks of in-
jury to large cetaceans to ocean users in a manner that is most likely to result in in-
formed decision making regarding the miti-
gation of such risks.
(VI) Any other information on the poten-
tial benefits and efficacy of the pilot project the Under Secretary considers appropriate.
(B) FINAL REPORT.—
(i) IN GENERAL.—Not later than 6 years after the date of the enactment of this Act, the Under Secretary, in coordination with the heads of other relevant Federal agencies, shall submit to the Committee on Com-
merce, Science, and Transportation of the Senate and the Committee on Natural Re-
sources of the House of Representatives, and make available to the public, a final report on the pilot project.
(ii) ELEMENTS.—The report required by clause (i) shall—
(I) address the elements under subpara-
graph (A)(ii); and
(II) include—
(aa) an assessment of the benefits and effi-
cacy of the pilot project;
(bb) a strategic plan to expand the pilot project to provide near real-time monitoring and mitigation measures—
(AA) to additional large cetaceans of con-
cern for which such measures would reduce risk of serious injury or death; and
(BB) in high-use feeding, breeding, calving, rearing, or migratory habitats of large cetaceans that co-occur with areas of high risk of mortality or serious injury from vessel strikes.
(cc) a budget and description of funds nec-
essary to carry out such strategic plan;
(dd) a prioritized plan for acquisition, de-
ployment, and maintenance of monitoring technologies; and
(ee) the locations or species to which such plan would apply.
(e) REPORTING PROTOCOLS.—The Under Secretary, in consultation with the Sec-
retary, the Secretary of Defense, the Sec-
retary of Transportation, and the Secretary of the Interior, and with input from affected stakeholders, shall develop and deploy mitigation protocols that make use of the moni-
toring system designed and deployed under subsection (d)(3) to direct sector-specific mitigation measures that avoid and signifi-
cantly reduce risk of serious injury and mor-
tality to North Atlantic right whales.
(f) ACCESS TO DATA.—The Under Secretary shall provide access to data generated by the monitoring system designed and deployed under subsection (d)(3) for purposes of sci-
cientific research and evaluation and public awareness and education, including through the Puget Sound Vessel Traffic Service, the National Oceanic and Atmospheric Ad-
ministration and WhaleMap or other suc-
cessor public internet website portals, sub-
ject to review for national security consider-
ations.
(g) ADDITIONAL AUTHORITY.—The Under Secretary shall enter into, or perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this section on such terms as the Under Secretary considers appropriate, consistent with the Federal Acquisition Regu-
lation.
(h) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Sec-
retary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.
(i) FUNDING.—From funds otherwise appro-
priated to the Under Secretary, $35,000,000 for each of fiscal years 2022 through 2027 is au-
thorized to support the development, deploy-
ment, application, and ongoing maintenance of the Program.
SEC. 5314. PILOT PROGRAM TO ESTABLISH A CE-
TACEAN DESK FOR PUGET SOUND REGION.
(a) ESTABLISHMENT.—
(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall establish a Cetacean Desk for Puget Sound Region, to facilitate real-time sharing of data relat-
ing to large cetaceans between the Quiet Sound program of the State of Washington, the National Oceanic and Atmospheric Ad-
ministration, and the Puget Sound Vessel Traffic Service and other relevant entities, as appropriate.
(d) DATA.—The Under Secretary shall le-
volve existing data collection methods, the Program required by section 313, and public data to ensure accurate and timely informa-
tion on the sighting of large cetaceans.
(e) COORDINATION.—
(1) IN GENERAL.—In carrying out the pilot program required by subsection (a), the Sec-
retary shall consult with Tribal govern-
ments, the State of Washington, the States and territories of higher education, the maritime industry, ports in the Puget Sound region, and non-
governmental organizations.
(2) CONSULTATION WITH CANADA.—When ap-
propriate, the Secretary shall coordinate with the Government of Canada, consistent with policies and agreements relating to management of vessel traffic in Puget Sound.
(f) PUGET SOUND VESSEL TRAFFIC SERVICE LOCAL VARIANCE AND POLICY.—The Sec-
retary, with the concurrence of the Under Secretary and in consultation with the Cap-
tain of the Port for the Puget Sound region—
shall implement local variances, as au-
thorized by subsection (c) of section 70001 of title 46, United States Code, to reduce the impact of vessel traffic on large cetaceans; and
(2) may enter into cooperative agreements, in accordance with subsection (d) of that sec-
tion, with Federal, State, and local officials to reduce the likelihood of vessel inter-
actions with protected large cetaceans, which may include—
(A) communicating marine mammal pro-
tective guidance to vessel operators;
(B) training on requirements imposed by local, State, Tribal, and Federal laws and regulations and guidelines concerning—
(i) vessel buffer zones;
(ii) vessel speed;
(iii) seasonal no-go zones for vessels;
(iv) protected areas, including areas desig-
ned as critical habitat, as applicable to marine operations; and
(v) any other activities to reduce the direct and indirect impact of vessel traffic on large cetaceans;
(C) training to understand, utilize, and communicate large cetacean location data; and
(D) training to understand and commu-
nicate basic large cetacean detection, identi-
fication, and behavior, including—
(i) cues of the presence of large cetaceans such as spouts, water disturbances, breaches, or presence of prey;
(ii) important feeding, breeding, calving, and rearing habitats that co-occur with areas of high risk of vessel strikes;
(iii) seasonal large cetacean migration routes that co-occur with areas of high risk of vessel strikes; and
(iv) areas designated as critical habitat for large cetaceans.
(g) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter for the du-
ration of the pilot program under this sec-
tion, the Commandant, in coordination with the Under Secretary and the Administrator of the Maritime Administration, shall submit to the appropriate congressional com-
mittees a report that—
(A) the functionality, utility, reliability, responsibilities, and operational status of the Cetacean Desk established under the pilot program required by sub-
section (a) of this section, including a quantification of re-
ductions in vessel strikes to large cetaceans as a result of the pilot program;
(2) assesses the efficacy of communication between the Cetacean Desk and the maritime industry and provides recommendations for improvements;
(3) evaluates the integration and interoperability of existing data collection methods, as well as public data, into the Cetacean Desk operations;
(4) evaluates the efficacy of collaboration and stakeholder engagement with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, local and Tribal governments, and nongovernmental organizations; and
(5) evaluates the progress, performance, and implementation of guidance and training procedures for Puget Sound Vessel Traffic Service personnel.

SEC. 5115. MONITORING OCEAN SOUNDSCAPES.
(a) IN GENERAL.—The Under Secretary shall maintain and expand the ocean soundscapes development program—
(1) to award grants to expand the deployment of Federal and non-Federal observing and data management systems capable of collecting measurements of underwater sound for purposes of monitoring and analyzing baseline trends and trends in the underwater soundscape to protect and manage marine life;
(2) to continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and
(3) after coordinating with the Secretary of Defense, to coordinate and make accessible to the public the datasets, modeling, and analysis, and user-driven products and tools resulting from observations of underwater sound funded through grants awarded under paragraph (1).
(b) COORDINATION.—The program described in subsection (a) shall—
(1) include the Ocean Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service;
(2) use and coordinate with the Integrated Ocean Observing System; and
(3) coordinate with the Regional Ocean Partnerships and the Director of the United States Fish and Wildlife Service, as appropriate.
(c) PRIORITY.—In awarding grants under subsection (a), the Under Secretary shall consider the geographic diversity of the recipients of such grants.
(d) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.
(e) FUNDING.—From funds otherwise appropriated to the Under Secretary, $1,500,000 is authorized for each of fiscal years 2023 through 2028 to carry out this section.

Title II—Oil Spills

SEC. 5211. IMPROVING OIL SPILL PREPAREDNESS.
The Under Secretary of Commerce for Oceans and Atmosphere shall include in the Automated Data Inquiry for Oil Spills database (or a successor database) used by National Oceanic and Atmospheric Administration oil weathering models new data, including pre-reviewed data, on properties of crude and refined oils, including data on diluted bitumen, as such data becomes publicly available.

SEC. 5221. WESTERN ALASKA OIL SPILL PLANNING CRITERIA.
(a) ALASKA OIL SPILL PLANNING CRITERIA PROGRAM.—
(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§323. Western Alaska Oil Spill Planning Criteria Program.
"(a) ESTABLISHMENT.—There is established within the Coast Guard a Western Alaska Oil Spill Planning Criteria Program (referred to in this section as the 'Program') to develop and administer the Western Alaska oil spill planning criteria.
"(b) PROGRAM MANAGER.—
"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall appoint a permanent employee through a competitive search process for a term of not less than 5 years to serve as the Western Alaska Oil Spill Criteria Program Manager referred to in this section as the 'Program Manager'—
"(A) the primary duty of whom shall be to administer the Program; and
"(B) who shall not be subject to frequent or routine reassignment.
"(2) CONFLICTS OF INTEREST.—The individual selected to serve as the Program Manager shall not have conflicts of interest relating to entities regulated by the Coast Guard.
"(c) DUTIES.—
"(1) DEVELOPMENT OF GUIDANCE.—The Program Manager shall develop guidance for—
"(i) approval, drills, and testing relating to the Western Alaska oil spill planning criteria; and
"(ii) gathering input concerning such planning criteria from Federal agencies, State, local, and Tribal governments, and relevant industry and nongovernmental entities.
"(2) ASSESSMENTS.—Not less frequently than once every 5 years, the Program Manager shall—
"(i) assess whether such existing planning criteria adequately meet the needs of vessels operating in the Program area; and
"(ii) identify methods for advancing response capability so as to achieve, with respect to a vessel, compliance with national planning criteria.
"(3) ONSITE VERIFICATIONS.—The Program Manager shall administer the relatively small number and limited nature of verifications of response capabilities for vessels required by national plans by increasing, within the Seventeenth Coast Guard District, the quantity and frequency of onsite verifications of the providers identified under plans.
"(4) TRAINING.—The Commandant shall enhance the knowledge and proficiency of Coast Guard personnel with respect to the Program by—
"(i) developing formalized training on the Program that, at a minimum—
"(A) provides a detailed analysis of—
"(1) the national planning criteria described in part 155 of title 33, Code of Federal Regulations (or successor regulations);
"(2) alternative planning criteria;
"(3) Western Alaska oil spill planning criteria;
"(4) Captain of the Port and Federal On-Scene Coordinator authorities related to activation of a vessel response plan; and
"(5) the responsibilities of vessel owners and operators in preparing a vessel response plan for submission; and
"(ii) responsibilities of the Area Commandant, including risk analysis, response capability, and development of alternative planning criteria.
"(5)西部阿拉斯加油污应变计划和响应程序
"(i) provides instruction on the processes involved in carrying out the actions described in paragraphs (9)(C) and (9)(F) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)), including instruction on carrying out such actions—

"(ii) in any geographic area in the United States; and
"(iii) specifically in the Seventeenth Coast Guard District; and

"(ii) providing such training to all Coast Guard personnel involved in the Program.
"(d) DEFINITIONS.—In this section:
"(1) ALTERNATIVE PLANNING CRITERIA.—The term 'alternative planning criteria' means any criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.
"(2) TRIBAL.—The term 'Tribal' means of or pertaining to an Indian Tribe or a Tribal organization (as those terms are defined in chapter 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).
"(3) VESSEL RESPONSE PLAN.—The term 'vessel response plan' means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under section 311(j) or (k).
"(4) WESTERN ALASKA OIL SPILL PLANNING CRITERIA.—The term 'Western Alaska oil spill planning criteria' means any criteria required under paragraph (9) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).
"(5) PROGRAM MANAGER.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§323. Western Alaska Oil Spill Planning Criteria Program.
(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:
"(1) ALTERNATIVE PLANNING CRITERIA.—The term 'alternative planning criteria' means any criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.
"(ii) Prince William Sound Captain of the Port Zone.'—The term 'Prince William Sound Captain of the Port Zone' means the area described in section 383-13(b) of title 33, Code of Federal Regulations (or successor regulations).
"(iii) SECRETARY.—The term 'Secretary' means the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.
"(iv) TRIBAL.—The term 'Tribal' means of or pertaining to an Indian Tribe or a Tribal organization (as those terms are defined in chapter 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).
"(v) VESSEL RESPONSE PLAN.—The term 'vessel response plan' means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under paragraph (5).
"(vi) WESTERN ALASKA CAPTAIN OF THE PORT ZONE.—The term 'Western Alaska Captain of the Port Zone' means the area described in section 383-13(b) of title 33, Code of Federal Regulations (or successor regulations).
"(B) REQUIREMENT.—Except as provided in subparagraph (1), for any part of the area of responsibility of the Western Alaska Captain of the Port Zone or the Prince William Sound Captain of the Port Zone in which the vessel response plan has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel
operating in that area, a response plan required under paragraph (5) with respect to a discharge of oil for such a vessel shall comply with the planning criteria established under subparagraph (D)(i) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

"(C) RELATION TO NATIONAL PLANNING CRITERIA.—The planning criteria established under subparagraph (D)(i) shall, with respect to a discharge of oil from a vessel described in subparagraph (B), apply in lieu of any alternative planning criteria accepted for vessels operating in that area prior to the date on which the criteria under subparagraph (D)(i) are established.

"(D) ESTABLISHMENT OF PLANNING CRITERIA.—The Commandant, acting through the Commandant in consultation with the Western Alaska Oil Spill Criteria Program Manager established under section 323 of title 14, United States Code—

"(I) shall establish—

"(I) Alaska oil spill planning criteria for a worst case discharge of oil, and a substantial threat of such a discharge, within any part of the area of responsibility of the Western Alaska Captain of the Port Zone or Prince William Sound Captain of the Port Zone in which the discharge is determined to be under the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in that area; and

"(II) may—

"(i) develop standards that adequately reflect the needs and capabilities of various locations within the Western Alaska Captain of the Port Zone, develop subregion-specific criteria that are not less stringent than the criteria required for a worst case discharge of oil, and a substantial threat of such a discharge, within any part of the applicable subregion.

"(II) INCLUSIONS.—

"(I) The Western Alaska oil spill planning criteria established under subparagraph (D)(i) shall include planning criteria for the following:

"(aa) Mechanical oil spill response resources that are required to be located within that area.

"(bb) Response times for mobilization of oil spill response resources and the response time for a vessel operating in the area of responsibility of the Western Alaska Captain of the Port Zone when the vessel is to respond within 72 hours.

"(cc) Identified vessels for oil spill response that are capable of operating in the ocean environment.

"(dd) Temporary storage capability using both dedicated and non-dedicated assets located within that area;

"(ee) Non-mechanical oil spill response resources, agreements, or other means approved by the President and approved by the Commandant to mitigate long-term environmental impacts resulting from a discharge of oil and prevent such spills from entering the ocean environment.

"(ff) considers availability of wildlife response resources for primary, secondary, and tertiary response actions, including collection, sampling, deterrence, rescue, and rehabilitation of birds, sea turtles, marine mammals, fishery resources, and other wildlife.

"(gg) with respect to barges carrying nonpersistent oil in bulk, the amount of oil spill response resources that are required to be carried on board.

"(III) specifying a minimum length of time that approval of a response plan under this paragraph is valid.

"(IV) Managing wildlife protection and rehabilitation, including identified wildlife protection and rehabilitation resources in that area.

"(V) Additional considerations.—The Commandant may consider criteria regarding—

"(BB) vessel routing measures consistent with international routing measures deviation protocols; and

"(CC) maintenance of real-time continuous vessel tracking, monitoring, and engagement protocols with the ability to detect and address vessel safety anomalies.

"(F) REQUIREMENT FOR APPROVAL.—The President may approve a response plan for a vessel under this paragraph only if the owner or operator of the vessel demonstrates the availability of the oil spill response resources required to be included in the response plan under the planning criteria established under subparagraph (D)(i).

"(G) PERIODIC AUDITS.—The Secretary shall conduct periodic audits to ensure compliance of vessel response plans and oil spill removal organizations within the Western Alaska Captain of the Port Zone and the Prince William Sound Captain of the Port Zone with the planning criteria under subparagraph (D)(i).

"(H) REVIEW OF DETERMINATION.—Not less than once every 5 years, the Secretary shall review each determination of the planning criteria under subparagraph (B) that the national planning criteria are inappropriate for a vessel operating in the area of responsibility of the Western Alaska Captain or Prince William Sound Captain of the Port Zone.

"(I) VESSELS IN COOK INLET.—Unless otherwise authorized by the Secretary, a vessel may only operate in Cook Inlet, Alaska, under a vessel response plan that meets the requirements of the national planning criteria established pursuant to paragraph (5).

"(J) SAVINGS PROVISIONS.—Nothing in this subsection affects—

"(i) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Western Alaska Captain of the Port Zone, within Cook Inlet, Alaska;

"(ii) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Prince William Sound Captain of the Port Zone under section 5055 of the Oil Pollution Act of 1990 (33 U.S.C. 2735); or

"(iii) the authority of the Federal On-Scene Coordinator to use any available resources when there is a discharge that affects—

"(1) the safety of life at sea; and

"(2) ESTABLISHMENT OF ALASKA OIL SPILL PLANNING CRITERIA.—

"(A) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the President shall establish the planning criteria required to be established under paragraph (5) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

"(B) CONSULTATION.—In establishing the planning criteria described in subparagraph (B), the President shall consult with the Federal, State, local, and Tribal agencies and the owners and operators that would be subject to those planning criteria, and with oil spill removal organizations, Alaska Native organizations, and environmental non-governmental organizations located within the State of Alaska.

"(C) CONSEQUENTIAL EFFECTS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the specific manner in which the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) shall be applied and administered.

"SEC. 5233. ACCESS TO THE OIL SPILL LIABILITY FUND.

"Section 12122(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by striking "$750,000,000" and inserting "$750,000,000,000".

""(2) by adding at the end the following:

""(A) IN GENERAL.—The interest paid for claims other than Federal Government cost recovery claims shall be determined as if the subsection repealed by subsection (b) of title 31, United States Code.''

"SEC. 5233. Access to the Oil Spill Liability Trust Fund.

"Section 6002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702) is amended by striking "1990" and inserting "2010".

""(2) by adding at the end the following:

""(A) IN GENERAL.—The interest paid for claims other than Federal Government cost recovery claims shall be determined as if the subsection repealed by subsection (b) of title 31, United States Code.''

"SEC. 5234. COAST GUARD CLAIMS PROCESSING COSTS.

"Section 12122(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by striking "$750,000,000" and inserting "$750,000,000,000".

"(2) by adding at the end the following:

"(A) IN GENERAL.—The interest paid for claims other than Federal Government cost recovery claims shall be determined as if the subsection repealed by subsection (b) of title 31, United States Code.''

"SEC. 5235. PER-INCIDENT LIMITATION.

"Subparagraph (A) of section 9006(b)(2) of the Internal Revenue Code of 1986 is amended—

"(1) in clause (i), by striking "$1,000,000,000" and inserting "$1,500,000,000";

"(2) in clause (ii), by striking "$500,000,000" and inserting "$500,000,000,000";

"(3) in the heading, by striking "$1,000,000,000" and inserting "$1,500,000,000".

"SEC. 5237. Access to the Oil Spill Liability Trust Fund.

"Section 6002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702) is amended by striking subsection (b) and inserting the following:

"(1) "(A) IN GENERAL.—Subsection (a) shall not apply to—
(A) section 1006(f), 1012(a)(4), or 5006; or

(B) an amount, which may not exceed $50,000,000 in any fiscal year, made available by the President from the Fund.

(1) subsection 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)); and

(ii) to initiate the assessment of natural resources damages required under section 1006.

(2) FUND ADVANCES—

(A) In General.—To the extent that the amount described in subparagraph (B) of paragraph (1) is not adequate to carry out the activities described in that subparagraph, the President may obtain from the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986.

(B) NOTIFICATION TO CONGRESS.—Not later than 30 days after the date on which the Coast Guard obtains an advance under subparagraph (A), the Coast Guard shall notify Congress of—

(1) the amount advanced; and

(ii) the facts and circumstances that necessitated the advance.

(C) REPAYMENT.—Amounts advanced under this paragraph shall be repaid to the Fund when, and to the extent that, removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.

(2) AVAILABILITY.—Amounts to which this subparagraph applies shall remain available until expended.

SEC. 5329. COST-REIMBURSABLE AGREEMENTS.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) by striking “by a Governor or designated State official” and inserting “by a State, a political subdivision of a State, or an Indian tribe, pursuant to a cost-reimbursable agreement”; and

(2) by striking subsections (d) and (e) and inserting the following:

(d) COST-REIMBURSABLE AGREEMENT.—

(1) In general.—In carrying out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)), the President may enter into cost-reimbursable agreements with a State, a political subdivision of a State, or an Indian tribe to obligate the Fund for the payment of removal costs consistent with the National Contingency Plan.

(2) Inapplicability.—Neither section 1535 of title 31, United States Code, nor chapter 63 of that title shall apply to a cost-reimbursable agreement entered into under this subsection; and

(3) by redesignating subsections (f), (h), (i), (j), (k), and (l) as subsections (e), (f), (g), (h), (i), and (j), respectively.

SEC. 5329. OIL SPILL RESPONSE REVIEW.

(a) In general.—Subject to the availability of appropriations, the Commandant shall—

(1) establish, update, and maintain a program that includes—

(A) oil spill response vessel, or a vessel or other Coast Guard tool used to document the availability and status of oil spill response equipment, so as to ensure that such information is timely, accurate, and readily available;

(B) an assessment of the ability of the Oil Spill Liability Trust Fund established by section 5909(a) of the Internal Revenue Code of 1986, and the Federal Government to cover the indemnity provisions provided to oil spill response organizations; and

(c) Periodic update.—Not less frequently than every 5 years, the Commandant shall update the processes established under subsection (b)(1) to incorporate relevant analyses of—

(1) incident data on oil spill location and response quality;

(2) oil spill risk assessments;

(3) oil spill response effectiveness and the effects of such response on the environment;

(4) oil spill response drills conducted under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7));

(5) marine casualties reported to the Coast Guard; and

(6) near miss incidents documented by a Vessel Owners’ Center to the extent that such terms are defined in section 70001(m) of title 46, United States Code.

(b) Report.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of ongoing and planned efforts to improve the effectiveness and oversight of the vessel response program.

Pursuant to subpart (A) of the Commandant shall publish the report required by subparagraph (A) on a publicly accessible internet website of the Coast Guard.

SEC. 5330. REVIEW AND REPORT ON LIMITED INDENMITY PROVISIONS IN STANDBY OIL SPILL RESPONSE CONTRACTS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the effects of removing limited indemnity provisions from Coast Guard oil spill response contracts entered into by the President (or a delegate) under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)).

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

(2) An assessment of the impacts of contracts described in that subsection in meet- ing the needs of the United States to carry out oil spill cleanup under the National Contingency Plan (as so defined), and the availability and status of oil spill response resources.

(3) A review of the costs incurred by the Coast Guard, the Oil Spill Liability Trust Fund established by section 5909(a) of the Internal Revenue Code of 1986, and the Federal Government to cover the indemnity provisions provided to oil spill response organizations during the period described in paragraph (1).

(4) An assessment of the impact that the removal of limited indemnity provisions described in paragraph (3) has had on the ability of oil spill response organizations to enter into contracts described in that subsection.

(5) An assessment of the ability of the Oil Spill Liability Trust Fund established by section 5909(a) of the Internal Revenue Code of 1986, and the funds provided to a contractor for liabilities and expenses incidental to the removal of oil arising out of the performance of contracts under section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)) during the period beginning in 2009 and ending in 2014 with respect to those contracts that included limited indemnity provisions for oil spill response organizations.

SEC. 5331. ADDITIONAL EXCEPTIONS TO REGULATIONS FOR TOWING VESSELS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall review existing Coast Guard policies with respect to the applicability of subchapter M of chapter I of title 46, Code of Federal Regulations (or successor regulations), for—

(1) an oil spill response vessel, or a vessel of opportunity, while such vessel is—

(A) towing boom for oil spill response; or

(B) a vessel engaged in the towing of gear, equipment, or property.

October 11, 2022

CONGRESSIONAL RECORD — SENATE

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(B) participating in an oil response exercise; and
(2) a fishing vessel while that vessel is operating as a vessel of opportunity.

(b) NOT LATER THAN 180 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT—

(1) The Secretary, in consultation with the Department of Commerce, the Department of Labor; and the National Oceanic and Atmospheric Administration, shall enter into an agreement with the National Academies of Science, Engineering, and Medicine under which the National Academy of Sciences shall carry out a study to—

1. Identify, document, and analyze—
(A) historic and current, as of the date of the study, tribal, commercial, and recreational fishing grounds, as well as areas where fish stocks are likely to shift in the future, in all covered waters;
(B) existing and planned harvest activities in all covered waters;
(C) historic, current, and potential future shipping lanes, based on projected growth in shipping traffic in all covered waters;
(D) key types of data needed to properly site renewable energy sites on the West Coast with regard to assessing and mitigating conflicts;
(2) analyze—
(A) methods used to manage fishing, shipping, and other activities to ensure that
(B) how those activities could be impacted by the placement of renewable energy infrastructure and the associated construction, maintenance, and operation of such infrastructure; and
(3) review the current decision-making process for offshore wind in covered waters and outline an alternative approach to include all impacted coastal communities, particularly Tribal governments and fisheries communities, in the decision-making process for offshore wind projects.

(c) SUBMISSION—Not later than 1 year after the date under subsection (b), the Secretary shall submit the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

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Safe and effective operation of such vessels.

in subsection (a). Such a policy shall ensure safe and effective operation of such vessels.

(c) DEFINITIONS.—In this section:
(1) FISHING VESSEL; OIL SPILL RESPONSE VESSEL; terms "fishing vessel" and "oil spill response vessel" have the meanings given such terms in section 2101 of title 46, United States Code.
(2) VESSEL OF OPPORTUNITY.—The term "vessel of opportunity" means a vessel engaged in spill response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo.

Subtitle C—Environmental Compliance

SEC. 5341. REVIEW OF ANCHORAGE REGULATIONS.

(a) REGULATORY REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a review of existing anchorage regulations or other rules, which review shall include—

1. identifying any such regulations or rules that may need modification or repeal in the interest of safety, security, environmental, and economic concerns, taking into account undersea pipelines, cables, or other infrastructure; and
(2) perform any cost-benefit analysis for any modification or repeal identified under paragraph (1).

(b) BRIEFING.—Upon completion of the review required under section (a), but not later than 2 years after the date of enactment of this Act, the Secretary shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes the review.

SEC. 5342. STUDY ON IMPACTS ON SHIPPING AND COMMERCIAL, TRIBAL, AND RECREATIONAL FISHERIES FROM THE DEVELOPMENT OF OFFSHORE WIND AND SHIPABLE ENERGY ON THE WEST COAST.

(a) DEFINITIONS.—In this section:
(1) COVERED WATERS.—The term "covered waters" means Federal or State waters off the Canadian border and out to the furthest extent of the exclusive economic zone along the west coast of the United States.
(2) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" has the meaning given that term in section 107 of title 46, United States Code.

(b) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out a study to—

1. Identify, document, and analyze—
(A) historic and current, as of the date of the study, tribal, commercial, and recreational fishing grounds, as well as areas where fish stocks are likely to shift in the future, in all covered waters;
(B) existing and planned harvest activities in all covered waters;
(C) historic, current, and potential future shipping lanes, based on projected growth in shipping traffic in all covered waters;
(D) key types of data needed to properly site renewable energy sites on the West Coast with regard to assessing and mitigating conflicts;
(2) analyze—
(A) methods used to manage fishing, shipping, and other activities to ensure that
(B) how those activities could be impacted by the placement of renewable energy infrastructure and the associated construction, maintenance, and operation of such infrastructure; and
(3) review the current decision-making process for offshore wind in covered waters and outline an alternative approach to include all impacted coastal communities, particularly Tribal governments and fisheries communities, in the decision-making process for offshore wind projects.

(c) SUBMISSION.—Not later than 1 year after the date under subsection (b), the Secretary shall submit the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

Subtitle D—Environmental Issues

SEC. 5351. MODIFICATIONS TO THE SPORT FISH RESTORATION ACT AMENDMENTS.

(a) DINGEL-JOHNSON SPORT FISH RESTORATION ACT AMENDMENTS.

(1) AVAILABLE AMOUNTS.—Clause (i) of section 4(b)(1)(B) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(1)(B)) is amended to read as follows:

(1) for the fiscal year that includes November 15, 2021, the product obtained by multiplying—
(I) $12,786,434; and
(II) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor; and
(2) PLAN TO REDUCE OUTAGES.—Subsection (a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a)) is amended—

(1) IN GENERAL.—The Commandant, in consultation with the National Oceanic and Atmospheric Administration, shall develop a plan to ensure that notifications of an outage of the Rescue 21 system in Alaska are broadly disseminated in advance of such outage.

(b) ELEMENTS.—The plan required by subparagraph (A) shall require the Coast Guard—

(1) to disseminate updates regarding outages on social media not less frequently than every 48 hours;

(2) to provide updates on a publicly accessible website not less frequently than every 48 hours;

(3) to implement methods for notifying mariners in areas in which cellular connectivity does not exist;

(4) to develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(5) to identify technology gaps that need to be addressed in order to implement the plan and to provide a budgetary assessment necessary to implement the plan.

(c) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(A) contains a plan for the Coast Guard to notify mariners of radio outages for towers and, operated by the Seventeenth Coast Guard District;

(B) addresses in such plan how the Seventeenth Coast Guard will—

(i) disseminate updates regarding outages on social media not less frequently than every 48 hours;

(ii) provide updates on a publicly accessible website not less frequently than every 48 hours;

(iii) develop methods for notifying mariners in areas in which cellular connectivity does not exist;

(iv) develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(v) to identify technology gaps that need to be addressed in order to implement the plan and to provide a budgetary assessment necessary to implement the plan.

(d) IMPROVEMENTS TO COMMUNICATION WITH THE FISHING INDUSTRY AND RELATED STAKEHOLDERS.—

(1) IMPROVEMENTS TO COMMUNICATION TECHNOLOGY.—Subsection (a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 777h(a)) is amended—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(B) ELEMENTS.—The plan required by subparagraph (A) shall require the Coast Guard—

(i) to disseminate updates regarding outages on social media not less frequently than every 48 hours during an outage;

(ii) to provide updates on a publicly accessible website not less frequently than every 48 hours during an outage;

(iii) to notify mariners in areas in which cellular connectivity does not exist;

(iv) to develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(v) to identify technology gaps that need to be addressed in order to implement the plan and to provide a budgetary assessment necessary to implement the plan.

(e) IMPROVEMENTS TO COMMUNICATION TECHNOLOGY.—Subsection (a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 777h(a)) is amended—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(B) ELEMENTS.—The plan required by subparagraph (A) shall require the Coast Guard—

(i) to disseminate updates regarding outages on social media not less frequently than every 48 hours during an outage;

(ii) to provide updates on a publicly accessible website not less frequently than every 48 hours during an outage;

(iii) to notify mariners in areas in which cellular connectivity does not exist;

(iv) to develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(v) to identify technology gaps that need to be addressed in order to implement the plan and to provide a budgetary assessment necessary to implement the plan.
fishing industry, including safety information, inspection and enforcement requirements, hazards, training, regulations (including proposed regulations), Rescue 21 system of operations, and any information regarding fishing-related activities under the jurisdiction of the Coast Guard.

(2) AUTOMATIC COMMUNICATIONS.—The Commandant shall provide methods for regular and automatic email communications with stakeholders who elect, through the internet website described under paragraph (1), to receive such communications.

(c) ADVANCE NOTIFICATION OF MILITARY OR OTHER EXERCISES.—In consultation with the Secretary of the Navy, the Secretary of the Army, and the Secretary of the Air Force, and commercial fishing industry participants, the Commandant shall develop and publish on a publicly available internet website a plan for notifying United States mariners and the operators of United States fishing vessels in advance of—

(1) military exercises in the exclusive economic zone of the United States (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)); or

(2) other military activities that will impact recreational or commercial activities.

SEC. 5353. FISHING SAFETY TRAINING GRANTS PROGRAM.

Section 4522(b)(4) of title 46, United States Code, is amended by striking "2021" and inserting "2023 through 2025".

SEC. 5354. LOAD LINES.

(a) DEFINITION OF COVERED FISHING VESSEL.—In this section, the term "covered fishing vessel" means a vessel that operates exclusively, on the United States and Seventeenth Coast Guard Districts and that—

(1) was constructed, under construction, or under contract to be constructed as a fish tender vessel before January 1, 1980;

(2) was converted for use as a fish tender vessel before January 1, 2022, and—

(A) the vessel has a current stability letter issued in accordance with regulations prescribed under chapter 51 of title 46, United States Code;

(B) the hull and internal structure of the vessel has been verified as suitable for intended service as examined by a marinesurveyor accepted by the Secretary 2 times in the 5 years preceding the date of determination under this subsection, with no interval of more than 3 years between such examinations; and

(C) is entitled to use a fish tender vessel for a period of less than 180 days.

(b) APPLICATION TO CERTAIN VESSELS.—During the period beginning on the date of enactment of this Act and ending on the date that is 3 years after the date on which the report required under subsection (c) is submitted, the load line requirements of chapter 51 of title 46, United States Code, shall not apply to covered fishing vessels.

(c) GAO REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives—

(A) a report on the safety and seaworthiness of vessels in section 5102(b)(5) of title 46, United States Code; and

(B) recommendations for exempting certain vessels from the load line requirements under section 5102(b)(5) of such Code.

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

(A) An assessment of stability requirements of vessels referenced in section 5102(b)(5) of title 46, United States Code.

(B) An analysis of vessel casualties, mishaps, and failures and the load line requirements when a vessel is operating part-time as a fish tender vessel.

(C) An assessment of any other safety information on the Comptroller General determines appropriate.

(D) A list of all vessels that, as of the date of the report—

(i) are covered under section 5102(b)(5) of title 46, United States Code;

(ii) are acting as part-time fish tender vessels; and

(iii) are subject to any captain of the port zone subject to the oversight of the Commandant.

(3) CONSULTATION.—In preparing the report required under paragraph (1), the Comptroller General shall consider consultation with, at a minimum, the maritime industry, including—

(A) relevant Federal, State, and Tribal maritime associations and groups; and

(B) relevant federally funded research institutions, nongovernmental organizations, and academia.

(d) APPLICABILITY.—Nothing in this section shall limit the authority of the Commandant to exempt vessels from the safety requirements of this Act, the provisions of section 5102(b)(5) of title 46, United States Code, or any subsequent regulations issued pursuant thereto, with no interval of more than 3 years between such examinations; or

(e) OTHER EXERCISES.—In consultation with the Commandant, the Secretary shall consider consultation with, at a minimum, the maritime industry, including—

(A) relevant Federal, State, and Tribal maritime associations and groups; and

(B) relevant federally funded research institutions, nongovernmental organizations, and academia.

(2) Other military activities that will impact recreational or commercial activities.

SEC. 5355. ACTIONS BY NATIONAL MARINE FISHERIES SERVICE TO INCREASE ENFORCEMENT.

(a) IN GENERAL.—The National Marine Fisheries Service shall, immediately upon the enactment of this Act, begin the process of expanding the Commandant’s Marine Forensics Laboratory, in consultation with the National Oceanic and Atmospheric Administration. Such expansion shall prioritize the use of enumerated data types, such as checkbooks, dropdown menus, or radio buttons, and any additional elements the Administrator of the National Oceanic and Atmosphere Administration finds appropriate.

(b) RECORDS SHARING AND AGGREGATION.

(1) INTERAGENCY WORKING GROUP ON ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—Section 3561(c) of the Maritime SAFE Act (49 U.S.C. 40101(c)) is amended by—

(A) redesigning paragraphs (4) through (13) as paragraphs (5) through (14), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) Maximizing the utility of the import data collected by the members of the Working Group by harmonizing data standards and entry fields.”;

(2) PROHIBITION ON AGGREGATED CATCH DATA FOR CERTAIN SPECIES.—Beginning not later than 1 year after the date of enactment of this Act, for the purposes of compliance with respect to Northern red snapper under the Seafood Import Monitoring Program, the Secretary may not allow an aggregated harvest report of such species, regardless of vessel size.

SEC. 5364. IMPORT AUDITS.

(a) AUDIT PROCEDURES.—The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the National Oceanic and Atmospheric Administration’s Seafood Import Monitoring Program to support statistically robust conclusions that the samples audited are representative of all seafood imports covered by the Seafood Import Monitoring Program with respect to a given year.

(b) EXPANSION OF MARINE FORENSICS LABORATORY.—The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the National Oceanic and Atmospheric Administration’s Marine Forensics Laboratory, including by establishing sufficient capacity for the development and deployment of rapid, and follow-up, analysis of field-based tests. Such expansion shall be focused on identifying marine species whose samples are representative of all seafood imports covered by the Seafood Import Monitoring Program, and prioritizing such species at high risk of illegal, unreported, or unregulated fishing and seafood fraud.

(c) ANNUAL REVISION.—In developing the procedures required in subsection (a), the Secretary shall use predictive analytics to inform whether to revise such procedures to prioritize for audit those imports originating from nations—

(i) that have been identified pursuant to sections 609(a) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1828)(a) or...
1826k(a) that have not yet received a subsequent positive certification pursuant to section 609(d) or 610(c) of such Act, respectively; (2) identified by an appropriate regional fisheries management organization as engaging in illegal, unreported, or unregulated fishing; (3) identified as having human trafficking or forced labor in any part of the seafood supply chain, including on vessels flagged in such part, and including feed for cultured production, in the most recent Trafficking in Persons Report issued by the Department of State in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.); (4) identified as producing goods that contain seafood using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.); and (5) identified as at risk for human trafficking, including forced labor, in their seafood catching and processing industries by the relevant section 307 reporting under the Maritime SAFE Act (Public Law 116-92).

SEC. 5365. AVAILABILITY OF FISHERIES INFORMATION.

Section 402(d) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)) is amended—

(1) in subparagraph (G), by striking "or" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(I) to Federal agencies, to the extent necessary and appropriate, to administer Federal programs established to combat illegal, unreported, or unregulated fishing, as defined under section 607 of the Coast Guard Authorization Act of 2022 or forced labor (as defined in section 5361 of the Coast Guard Authorization Act of 2022), which shall not include an authorization for such agencies to release data to the public unless such release is related to enforcement.";

SEC. 5366. REPORT ON SEAFOOD IMPORT MONITORING PROGRAM.

(a) REPORT TO CONGRESS AND PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall, not later than 120 days after the end of each fiscal year, submit to the Committee on Commerce, Science, and Transportation and the Committee on Natural Resources and the Committee on Natural Resources and Commerce of the House of Representatives a report that summarizes the National Marine Fisheries Service’s efforts to prevent the importation of seafood harvested through illegal, unreported, or unregulated fishing, particularly with respect to seafood harvested, produced, processed, or manufactured by forced labor. Each such report shall be made publicly available on the website of the National Oceanic and Atmospheric Administration.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) the volume and value of seafood species subject to the Seafood Import Monitoring Program, reported by 10-digit Harmonized Tariff Schedule of the United States import codes, imported during the previous fiscal year;

(2) the enforcement activities and priorities of the National Marine Fisheries Service with respect to enforcing the requirements under the Seafood Import Monitoring Program;

(3) the percentage of import shipments subject to the Seafood Import Monitoring Program selected for inspection or the information or records supporting entry selected for audit, as described in section 300.324(d) of title 50, Code of Federal Regulations;

(4) the number and types of instances of noncompliance with the requirements of the Seafood Import Monitoring Program;

(5) the number and types of instances of violations of State or Federal law discovered through the Seafood Import Monitoring Program;

(6) the seafood species with respect to which violations described in paragraphs (4) and (5) were most prevalent;

(7) the loss in projected harvest with respect to which violations described in paragraphs (4) and (5) were most prevalent;

(8) the additional tools, such as high performance computing and associated costs, that the Secretary needs to improve the efficacy of the Seafood Import Monitoring Program; and

(9) other information as the Secretary considers appropriate with respect to monitoring and enforcing compliance with the Seafood Import Monitoring Program.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection to carry out enforcement activities authorized by the Trafficking Victims Protection Act of 1998 (18 U.S.C. 1826(a) and (b)(3)) in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

SEC. 5367. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection to carry out enforcement activities authorized by the Trafficking Victims Protection Act of 1998 (18 U.S.C. 1826(a) and (b)(3)) in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

SEC. 5370. DENIAL OF PORT PRIVILEGES.

Section 101(a)(2) of the High Seas Driftnet Fishery Enforcement Act (16 U.S.C. 1826(a)(2)) is amended to read as follows:

"(2) DENIAL OF PORT PRIVILEGES.—The Secretary of Homeland Security shall—

(A) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for any large-scale driftnet fishing vessel of a nation that receives a negative certification under section 609(a) or 610(c) of the High Seas Driftnet Moratorium Protection Act (16 U.S.C. 1826(c)), or fishing vessels of a nation that has been listed pursuant to section 609(b) or section 610(c) of such Act (16 U.S.C. 1826(b) or 1826(c)), in 2 or more consecutive reports for the same type of fisheries activity, as described under section 607 of such Act (16 U.S.C. 1826(h)), a positive certification has been received;

(B) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for fishing vessels of a nation that has been listed pursuant to section 609(a) or 610(c) of the High Seas Driftnet Fishery Enforcement Act (16 U.S.C. 1826(d)), or for the same type of fishing designed to end illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing;

(C) Any nation that fails to discharge duties under paragraph (1) or (2) at any time that the Secretary has sufficient information to make such identification.

SEC. 5372. EQUIVALENT CONSERVATION MEASURES.

(a) IDENTIFICATION.—Section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826(a)) is amended to read as follows:

"(a) IDENTIFICATION.—The Secretary shall—

(A) determine to what extent, if any, a vessel's flag state has not adopted, implemented, or enforced a regulatory program governing such fishing designed to end or reduce such bycatch that is comparable in effectiveness to the regulatory program of the United States taking into account differing conditions; and

(B) a nation if—

(i) any fishing vessel of that nation is engaged in fishing, has been, or is engaged in fishing, has been, within the 3 years preceding the date of the determination, in fishing activities or practices on the high seas or within the exclusive economic zone or territorial sea of any nation that has resulted in bycatch of a protected living marine resource; and

(ii) the vessel's flag state has not, implemented, and enforced a regulatory program governing such fishing designed to end or reduce such bycatch that is comparable in effectiveness to the regulatory program of the United States taking into account differing conditions; and
“(i) any fishing vessel of that nation is engaged, or has engaged during the 3 years preceding the date of the determination, in fishing activities on the high seas or within the exclusive economic zone of another nation that target or incidentally catch sharks; and
“(ii) the vessel’s flag state has not adopted, implemented, and enforced a regulatory program to the conservation of sharks, including measures to prohibit removal of any of the fins of a shark, including the tail, before landing the shark in port, that is comparable to that of the United States.

“(3) TIMING. — The Secretary shall make an identification under paragraph (1) at any time when the Secretary has determined that the fishing activity established in subsection (a), about the provisions of this Act;

“(4) initiate discussions as soon as practicable with all foreign nations that are engaged in any fishing vessel of which engaged in, fishing activities described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such nations to protect such species and to address any underlying failings or gaps that may have contributed to identification under this Act; and

“(5) the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.”.

(c) CONSERVATION CERTIFICATION PROCEDURE. —Section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(c)) is amended —

“(1) in paragraph (2), by inserting “the public” after “comment by”; and

“(2) in paragraph (5) by striking “except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported and unregulated fishing”.

(d) DEFINITION OF PROTECTED LIVING MARINE RESOURCE. —Section 610(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(e)) is amended by striking paragraph (1) and inserting the following —

“(1) except as provided in paragraph (2), means nontarget fish, sea turtles, or marine mammals protected under United States law or international agreement, including—

“(A) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.); and

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

“(C) the Shark Finning Prohibition Act (16 U.S.C. 1822); and


SEC. 5372. CAPACITY BUILDING IN FOREIGN FISHERIES.

(a) IN GENERAL. — The Secretary of Commerce, in consultation with the heads of other agencies, as appropriate, shall develop and carry out with partner governments and civil society —

(1) multi-year coastal and marine resource related international cooperation agreements and projects; and

(2) multi-year capacity-building projects for implementing measures to address illegal, unreported, and unregulated fishing, fraud, forced labor, bycatch, and other conservation measures.

(b) CAPACITY BUILDING. — Section 354(e)(d) of the Maritime SAFE Act (16 U.S.C. 8033(d)) is amended —

“(1) in the matter preceding paragraph (1), by striking “as appropriate,”; and

“(2) in paragraph (3), by striking “as appropriate” and inserting “for all priority regions identified by the Working Group.”

(c) CREDENTIALS FOR AUTOMATIC IDENTIFICATION SYSTEMS. — The Forest Service is authorized to operate in radio frequencies as assigned for Automatic Identification System devices to mark fishing equipment directly or indirectly by individuals using automatic identification systems.

SEC. 5373. TRAINING OF UNITED STATES OBSERVERS.

Section 403(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881b(a)) is amended —

“(1) in paragraph (3), by striking “and” after the semi-colon;

“(2) by redesignating paragraph (4) as paragraph (5); and

“(3) by inserting after paragraph (3) the following —

“(4) ensure that each observer has received training to identify indicators of forced labor (as defined in section 5361 of the Coast Guard Authorization Act of 2022) and human trafficking (as defined in section 5361 of the Coast Guard Authorization Act of 2022) and refer this information to appropriate authorities; and

SEC. 5375. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as may be necessary to carry out this title.

SEC. 5376. USE OF DEVICES BROADCASTING ON AIRS FOR PURPOSES OF MARKING FISHING GEAR.

The Secretary of the department in which the Coast Guard is operating shall, within the Eleventh Coast Guard District, Thirteenth Coast Guard District, Fourteenth Coast Guard District, and Seventeenth Coast Guard District, suspend enforcement of individuals using automatic identification systems devices, temporarily, to facilitate the provision of technical assistance and training during the period beginning on the date of enactment of this Act and ending on the earlier of —

“(1) the date that is 2 years after such date of enactment; and

“(2) the date that is 2 years after such date of enactment.

SEC. 5377. AUTHORIZATION. — There are authorized to be appropriated such sums as necessary to carry out this title.

“2927. Child care subsidy program

“(a) AUTHORITY. — The Commander may operate a child care subsidy program to provide financial assistance to eligible providers that provide child care services under the Child Care and Development Block Grant Act of 1990, as amended, and under other programs, to members of the Coast Guard, members of the Coast Guard with dependents who are participating in the child care subsidy program, and any other individual the Commander considers appropriate, if —

“(1) providing such financial assistance—

“(A) is in the best interests of the Coast Guard; and

“(B) enables supplementation or expansion of the provision of Coast Guard child care services, while not supplanting or replacing Coast Guard child care services; and

“(2) the Commandant ensures, to the extent practicable, that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards applicable to Coast Guard child care services.

“(b) ELIGIBLE PROVIDERS.—A child care services or youth program services is eligible for financial assistance under this section if the provider —

“(1) is licensed, or otherwise approved to provide such services under applicable State and local law;

“(2) is registered in an au pair program of the Department of State;

“(3) is a family home day care; or

“(4) is a provider of family child care services that—

“(A) otherwise provides federally funded or federally sponsored child development services;

“(B) provides such services in a child development center owned and operated by a public, not-for-profit organization; or

“(C) provides a before-school or after-school child care program in a public school facility;

“(D) conducts an otherwise federally funded or federally sponsored school-age child care or youth services program;

“(E) conducts a school-age child care or youth services program operated by a not-for-profit organization;

“(F) provides in-home child care, such as a nanny or an au pair; or

“(G) is a provider of another category of child care services or youth program services the Commandant considers appropriate for meeting the needs of members of civilian employees of the Coast Guard;

“(c) AUTHORIZATION. — There are authorized to be appropriated such sums as necessary to carry out this section.

“(d) ELIGIBLE PAYMENT.—

“(1) IN GENERAL. — In carrying out a child care subsidy program under subsection (a),
subject to paragraph (3), the Commandant shall provide financial assistance under the program to an eligible member or individual the Commandant considers appropriate by direct deposit or check to eligible member or individual through monthly pay, direct deposit, or other direct form of payment.

"(2) POLICY.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a policy to provide direct payment as described in paragraph (1).

"(3) ELIGIBLE PROVIDER FUNDING CONTINUATION.—With the approval of an eligible member or an individual the Commandant considers appropriate, which shall include the written consent of such member or individual, the Commandant may continue to provide financial assistance under the child care subsidy program directly to an eligible provider on behalf of such member or individual.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any preexisting reimbursement arrangement between the Coast Guard and a qualified provider."

(B) CLERICAL AMENDMENT.—The analysis for chapter 29 of title 14, United States Code, is amended by inserting after the item relating to section 2927 the following: "2927. Child care subsidy program.".

SEC. 5402. ARMED FORCES ACCESS TO COAST GUARD CHILD CARE FACILITIES.

Section 2922 of United States Code, is amended to read as follows:

"(a)(1) The Commandant may make child care development services available, in such priority as the Commandant considers appropriate and consistent with readiness and resources and in the best interests of dependents of members of the Coast Guard, for—

"(A) members and civilians employees of the Coast Guard;

"(B) surviving dependents of members of the Coast Guard who have died on active duty, if such dependents were beneficiaries of a Coast Guard child development service at the time of the death of such members;

"(C) members of the armed forces (as defined in section 101 of title 10, United States Code); and

"(D) Federal civilian employees.

"(2) Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

SEC. 5403. CADET PREGNANCY POLICY IMPROVEMENTS.

(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the commandant of the Coast Guard shall publish an updated Commandant Instruction Manual (referred to in this paragraph as the "manual") that describes the expanded eligible uses of the program.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives on the development of the regulations required by subsection (a).

SEC. 5404. COMBAT-RELATED SPECIAL COMPENSATION.

(a) REPORT AND BRIEFING.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after the date on which the initial report is submitted under this subparagraph, the Commandant shall submit a report and provide an in-person briefing to the Committee on Transportation and Infrastructure of the House of Representatives on the development of the regulations required by subsection (a).

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

"(1) A description of methods to educate members and retirees on the combat-related special compensation program.

"(2) A statistical analysis of enrollment in such program for members of the Coast Guard and Coast Guard retirees.
Coast Guard units located in areas identified as food deserts;
(ii) to reduce transit costs for members of the Coast Guard and their dependents who are required to travel to access high-quality, affordable food; and
(iii) for improving the accuracy of the calculations referred to in subparagraph (D).

(2) Staffing standards for specialized providers—

(A) to maximize the medical readiness of members of the Coast Guard;
(B) to optimize delivery of healthcare benefits;
(C) to ensure high-quality training of Coast Guard medical personnel;
(D) to prepare for the future needs of the Coast Guard.

(3) ELEMENTS.—The plan shall address, at a minimum, the following:

(A) Improving access to healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.
(B) Quality of care.
(C) The experience and satisfaction of members of the Coast Guard and their dependents with the Coast Guard healthcare system.
(D) The readiness of members of the Coast Guard and Coast Guard medical personnel.

(c) REVIEW COMMITTEE.—

(1) ESTABLISHMENT.—The Commandant shall establish a review committee to conduct a comprehensive analysis of the Coast Guard healthcare system (referred to in this section as ‘‘Review Committee’’).

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Review Committee shall be composed of members selected by the Commandant, and—

(i) 1 or more members of the uniformed services (as defined in section 101 of title 10, United States Code) or Federal employees with expertise in—

(I) the medical, dental, pharmacy, or behavioral health领域; or
(II) any other field the Commandant considers appropriate.

(ii) a representative of the Defense Health Agency and any healthcare provider the Commandant considers appropriate.

(iii) a representative of the Defense Health Agency and any healthcare provider the Commandant considers appropriate.

(b) ELEMENTS.—The policy required by subsection (a) shall address and take into consideration the following:

(1) The readiness of members of the Coast Guard and their dependents with the Coast Guard healthcare system;

(2) In general.—Not later than 180 days after the enactment of this Act, the Commandant, in consultation with the Defense Health Agency and any healthcare provider the Commandant considers appropriate, shall submit the standards to the Comptroller General, the Committee on Transportation and Infrastructure of the House of Representatives, and 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 plan required by paragraph (1), including the cost of implementation, proposals for legislative change, and any other result of the study the Commandant considers appropriate.

(C) Food Desert Defined.—In this section, the term ‘‘food desert’’ means an area, as determined by the Commandant, in which it is difficult, even with a vehicle or an otherwise-available mode of transportation, to obtain a sufficient quantity of fresh food in the immediate area in which members of the Coast Guard serve and reside.

Subtitle B—Healthcare

SEC. 5421. DEVELOPMENT OF MEDICAL STAFFING STANDARDS FOR THE COAST GUARD.

(a) In general.—Not later than 180 days after the enactment of this Act, the Comptroller General of the United States shall submit a report on the standards developed under subsection (a) that includes a plan and a description of the resources and budgetary needs required to implement the standards.

(b) Periodic updates.—The Commandant shall—

(1) modify such standards as necessary based on the recommendations provided under subsection (c);
(2) implement the standards;
(3) review and update the standards not less frequently than every 4 years.

SEC. 5422. HEALTHCARE SYSTEM REVIEW AND STRATEGIC PLAN.

(a) In general.—Not later than 270 days after the completion of the studies conducted by the Comptroller General of the United States under sections 8259 and 8260 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4679), the Commandant shall—

(1) conduct a comprehensive review of the Coast Guard healthcare system; and
(2) develop a strategic plan for improvements to, and modernization of, such system to ensure high-quality, timely healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.

(b) Plan.—

(1) In general.—The strategic plan developed under subsection (a) shall seek—

(A) to maximize the medical readiness of members of the Coast Guard;
(B) to optimize delivery of healthcare benefits;
(C) to ensure high-quality training of Coast Guard medical personnel; and
(D) to prepare for the future needs of the Coast Guard.

(2) Elements.—The plan shall address, at a minimum, the following:

(A) Improving access to healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.
(B) Quality of care.
(C) The experience and satisfaction of members of the Coast Guard and their dependents with the Coast Guard healthcare system.

(c) Staffing standards for specialized providers—

(1) the strategic plan for the Coast Guard medical system required by subsection (a);
(2) a description of the manner in which the Commandant plans to implement the recommendations of the Review Committee.
(1) Methods to collect data on access to care for—
(A) routine annual physical health assessments;
(B) flight physicals for aviators and prospective aviators;
(C) sick call;
(D) injuries;
(E) mental health; and
(F) behavioral health conditions.
(2) Collection of data on access to care for referrals.
(3) Collection of data on access to care for members of the Coast Guard stationed at remote unites, aboard Coast Guard cutters, and on deployments.
(4) A national electronic health record system to improve data collection on access to care.
(5) Use of data for addressing the standards of care, including time between requests for appointments and actual appointments, including appointments made with referral services.
(c) REVIEW BY COMPTROLLER GENERAL.—
(1) SUBMISSION.—Not later than 15 days after the policy is developed under subsection (a), the Commandant shall submit the policy to the Comptroller General of the United States.
(2) REVIEW.—Not later than 180 days after receiving the policy, the Comptroller General shall review the policy and provide recommendations to the Commandant.
(3) MODIFICATION.—Not later than 60 days after receiving the recommendations of the Comptroller General, the Commandant shall modify the policy as necessary based on such recommendations.
(d) PUBLICATION AND REPORT TO CONGRESS.—Not later than 90 days after the policy is modified under subsection (c)(3), the Commandant shall—
(1) publish the policy on a publicly accessible internet website of the Coast Guard; and
(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the policy and the manner in which the Commandant plans to address access to care.
(e) PERIODIC UPDATES.—Not less frequently than every 5 years, the Commandant shall review and update the policy.
SEC. 5424. BEHAVIORAL HEALTH POLICY.
(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) members of the Coast Guard—
(A) be required to provide high-risk and often stressful duties; and
(B) should be encouraged to seek appropriate medical treatment and professional guidance; and
(2) after treatment for behavioral health conditions, many members of the Coast Guard should be allowed to resume service in the Coast Guard if they—
(A) are able to do so without persistent duty modifications; and
(B) do not pose a risk to themselves or other members of the Coast Guard.
(b) INTERIM BEHAVIORAL HEALTH POLICY.—
(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish an interim behavioral health policy for members of the Coast Guard that is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, “Medical Standards for Military Service: Retention”.
(2) TERMINATION.—The interim policy established under paragraph (1) shall remain in effect until the date on which the Commandant issues a permanent behavioral health policy for members of the Coast Guard.
(c) PERMANENT POLICY.—In developing a permanent policy with respect to retention and behavioral health, the Commandant shall ensure that, to the extent practicable, the policy of the Coast Guard is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, “Medical Standards for Military Service: Retention”.
SEC. 5425. MEMBERS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.
(a) MEDICAL EXAMINATION REQUIRED.—(1) The Secretary shall ensure that a member of the Coast Guard who has performed Coast Guard operations or has been sexually assaulted during the preceding 2-year period, and who is diagnosed by an appropriate licensed or certified healthcare professional as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise alleges, based on the service of the member or based on such sexual assault, the influence of such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.
(2) A member described in paragraph (1) shall not be administratively separated under conditions other than honorable, including behavioral health separation in lieu of court-martial, until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary.
(b) PUBLICATION AND REPORT TO CONGRESS.—Not later than 180 days after the policy is developed under sub-subsection (c), the Commandant shall—
(1) publish the policy on a publicly accessible internet website of the Coast Guard; and
(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the policy and the manner in which the Commandant plans to address access to care.
(3) maximizes the potential separation and other formal or informal process, shall be placed in a duty status that affords the opportunity to attend necessary medical appointments and other activities relating to the Physical Disability Evaluation System, including completion of any application of the Department of Veterans Affairs and career transition planning.
(4) In the case of a Medical Evaluation Board report that is not completed within 120 days after the date on which an evaluation by the Medical Evaluation Board was initiated, the option to place a member in enter permissive duty status.
(5) A requirement that the date of initiation of an evaluation by a Medical Evaluation Board is not less than 21 days after the date on which any verbal or written affirmation is made to the member, command, or medical staff that the evaluation by the Medical Evaluation Board has been initiated.
(6) An option for such member to seek an internship under the SkillBridge program established under section 1143(e) of title 10, United States Code, aimed at improving the transition of the member to civilian life, only if such an internship or employment does not interfere with necessary medical appointments required for the member’s physical disability evaluation.
(7) A requirement that not less than 21 days notice shall be provided to any such medical appointment, to the maximum extent practicable, to ensure that the appointment timeline is in the best interests of the immediate health of the member.
(b) IMPROVEMENTS TO THE PHYSICAL DISABILITY EVALUATION SYSTEM AND TRANSITION PROGRAM.
(a) TEMPORARY POLICY.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall—
(1) improves timeliness, communication, and outcomes for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process.
(2) affords maximum career transition benefits to members of the Coast Guard determined by a Medical Evaluation Board to be unfit for retention in the Coast Guard, and
(3) affords maximum career transition benefits for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process.
(b) ELEMENTS.—The policy required by subsection (a) shall include the following:
(1) Automated tracking of the number of Coast Guard members undergoing the Physical Disability Evaluation System, or a related formal or informal process.
(2) Identification of a member by the Commander as determined by the Secretary.
(3) Inclusion of the number of Coast Guard members undergoing the Physical Disability Evaluation System, or a related formal or informal process.
(4) The date of the enactment of this Act.
(5) A requirement that the date of initiation of an evaluation by a Medical Evaluation Board is not less than 21 days after the date on which any verbal or written affirmation is made to the member, command, or medical staff that the evaluation by the Medical Evaluation Board has been initiated.
(6) An option for such member to seek an internship under the SkillBridge program established under section 1143(e) of title 10, United States Code, aimed at improving the transition of the member to civilian life, only if such an internship or employment does not interfere with necessary medical appointments required for the member’s physical disability evaluation.
(7) A requirement that not less than 21 days notice shall be provided to any such medical appointment, to the maximum extent practicable, to ensure that the appointment timeline is in the best interests of the immediate health of the member.
(ii) a calculation of the costs to retain the member on active duty, including the pay, allowances, and other associated benefits of the member, for the period beginning on the date of the enactment of this Act and ending on the date the delay in the Physical Disability Evaluation System described in subsection (a) is expunged.

(b) the availability of administrative solutions to any such delay.

(8) With respect to a member of the Coast Guard described in subsection (a), the Commandant shall exercise maximum discretion to continue the member on temporary limited duty status, an option to remain in the member's current billet, to the maximum extent practicable, or to be transferred to a different active-duty assignment to minimize any negative impact on the member's career trajectory.

(9) A requirement that each successive command shall report to the Commandant on temporary limited duty status, an option to remain in the member's current billet, to the maximum extent practicable, or to be transferred to a different active-duty assignment to minimize any negative impact on the member's career trajectory.

(i) The Commandant shall report to the Coast Guard Personnel Center any delay of more than 21 days between each stage of the Physical Disability Evaluation System for any such member, including between stages of the processes, the Medical Evaluation Board, the Informal Physical Evaluation Board, and the Formal Physical Evaluation Board.

(10) A requirement that, not later than 7 days after receipt of a report of a delay described in paragraph (9), the Personnel Service Center shall take corrective action, which shall ensure that the Coast Guard exercises maximum discretion to continue the Physical Disability Evaluation System of such a member in a timely manner, unless such delay is caused by the member.

(ii) A requirement that—

(A) a member of the Coast Guard shall be allowed to make a request for a reasonable delay in the Physical Disability Evaluation System in order to obtain additional input and consultation from a medical or legal professional; and

(B) any such request for delay shall be approved by the Commandant based on a showing of good cause by the member.

(c) Report on Temporary Policy.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a) and an evaluation of the delay in the Physical Disability Evaluation System of such a member in a timely manner, unless such delay is caused by the member.

(d) Permanent Policy.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall publish a policy developed under subsection (a) permanent policy of the Coast Guard.

(e) Briefing.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to 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 implementation of the policy developed under subsection (a).

SEC. 5427. RELATION OF ACCESS TO COUNSELING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall hire, train, and deploy not fewer than an additional 5 behavioral health specialists.

(b) REQUIREMENT.—Through the hiring process required by subsection (a), the Comptroller General shall ensure that at least 35 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral health specialties, including one support member of the Coast Guard with needs for perinatal mental health care and counseling services for miscarriage, child loss, and postpartum depression.

(c) ACCESSIBILITY.—The support provided by the behavioral health specialists described in subsection (a)—

(1) may include care delivered via telemedicine; and

(2) shall be made widely available to members of the Coast Guard.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 49021(A) of title 14, United States Code, $2,000,000 shall be made available to the Commandant for each of fiscal years 2023 and 2024 to carry out this section.
SEC. 5441. STUDY ON COAST GUARD HOUSING ACCESSION, COST, AND CHALLENGES.

(a) IN GENERAL.—Not later than 50 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on housing access, cost, and other challenges facing members of the Coast Guard.

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

(1) An assessment of—

(A) the extent to which—

(i) the Commandant has evaluated the sufficiency, availability, and affordability of housing options for members of the Coast Guard and their dependents;

(ii) the Coast Guard owns and leases housing for members of the Coast Guard and their dependents;

(B) the methods used by the Commandant to manage housing data, and the manner in which the Commandant uses such data—

(i) to inform Coast Guard housing policy; and

(ii) to guide investments in Coast Guard-owned housing capacity and other investments in housing, such as long-term leases and other options; and

(C) the process used by the Commandant to gather and provide information used to calculate housing allowances for members of the Coast Guard and their dependents, including whether the Commandant has established best practices to manage low-data areas.

(2) An assessment as to whether it is advantageous for the Coast Guard to continue to use the Department of Defense basic allowance for housing.

(3) Recommendations for actions the Commandant should take to improve the availability and affordability of housing for members of the Coast Guard and their dependents who are stationed in—

(A) remote units located in areas in which members of the Coast Guard and their dependents are eligible for TRICARE Prime Remote; or

(B) units located in areas with a high number of vacation rental properties.

SEC. 5442. STUDY ON COAST GUARD HOUSING ACCESSION, COST, AND CHALLENGES.

(a) IN GENERAL.—Not later than 90 days after the commencement of the audit under subsection (a), the Commandant shall submit to the appropriate committees of Congress a report on the results of the audit.

(b) REPORT.—Not later than 90 days after the commencement of the audit under subsection (a), the Commandant shall submit to the appropriate committees of Congress a report on the results of the audit:

(1) An assessment of—

(A) the actions the Commandant has, or has failed to take, to—

(i) use Department of Defense authorities available to the Secretary to address the findings set forth in the report, as compared to the findings and recommendations set forth in the report of the Government Accountability Office entitled “Costs and Challenges of Privatized Military Housing” (GAO–20–721), issued in March 2020; and

(ii) ensure that privatized military housing meets the requirements established by the Department of Defense.

(B) the extent to which—

(i) members of the Coast Guard and their families are eligible for TRICARE Prime;

(ii) members of the Coast Guard and their families are eligible for TRICARE Prime Remote;

(iii) members of the Coast Guard and their families are eligible for TRICARE Prime Overseas;

(iv) members of the Coast Guard and their families are eligible for TRICARE Prime Remote.

(C) the extent to which privatized housing options for which the Secretary has used the authorities provided in subchapter IV of chapter 169 of title 10, United States Code are advantageous for the Coast Guard to continue to use.

(D) An assessment of the extent to which the Secretary has used the authorities provided in subchapter IV of chapter 169 of title 10, United States Code.

(D) An assessment of the extent to which the Secretary has used the authorities provided in subchapter IV of chapter 169 of title 10, United States Code.

(2) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of—

(A) the conditions of housing units of enlisted members of the Coast Guard located at Naval Air Station Key West Sigbee Park Annex; and

(B) the percentage of those units that are considered unsafe or unhealthy housing units for enlisted members of the Coast Guard and their families; and

(2) A description of lessons learned or recommendations for the Coast Guard based on the report that present opportunities for improvements in housing, that considers—

(i) housing that is owned and operated by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and operate privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.

(B) A review of the housing-related authorities, regulations, and policies available to the Secretary of Defense, and an identification of the differences in the authorities afforded to the Secretary of Defense and the housing-related authorities, regulations, and policies afforded to the Secretary.

(C) A description of lessons learned or recommendations for the Coast Guard based on the report that present opportunities for improvements in housing, that considers—

(i) housing that is owned and operated by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and operate privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.

(B) A review of the housing-related authorities, regulations, and policies available to the Secretary of Defense, and an identification of the differences in the authorities afforded to the Secretary of Defense and the housing-related authorities, regulations, and policies afforded to the Secretary.

(C) A description of lessons learned or recommendations for the Coast Guard based on the report that present opportunities for improvements in housing, that considers—

(i) housing that is owned and operated by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and operate privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.

(B) A review of the housing-related authorities, regulations, and policies available to the Secretary of Defense, and an identification of the differences in the authorities afforded to the Secretary of Defense and the housing-related authorities, regulations, and policies afforded to the Secretary.

(C) A description of lessons learned or recommendations for the Coast Guard based on the report that present opportunities for improvements in housing, that considers—

(i) housing that is owned and operated by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and operate privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.

(B) A review of the housing-related authorities, regulations, and policies available to the Secretary of Defense, and an identification of the differences in the authorities afforded to the Secretary of Defense and the housing-related authorities, regulations, and policies afforded to the Secretary.

(C) A description of lessons learned or recommendations for the Coast Guard based on the report that present opportunities for improvements in housing, that considers—

(i) housing that is owned and operated by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and operate privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.
Title D—Other Matters

Sec. 5451. Report on Availability of Emergency Supplies for Coast Guard Personnel.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the availability of appropriate emergency supplies for Coast Guard units.

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

(1) An assessment of the extent to which—

(A) the Commandant ensures that Coast Guard units assess risks and plan accordingly to obtain and maintain appropriate emergency supplies; and

(B) Coast Guard units have emergency food and water supplies available according to local emergency preparedness needs.

(2) A description of any challenge the Commandant faces in planning for and maintaining adequate emergency supplies for Coast Guard units; and

(3) A process for periodic review and engagement with Coast Guard units to ensure emergency response supply needs are achieved and maintained.

Title IV—Maritime

Subtitle A—Vessel Safety

Sec. 5501. Abandoned Seafarers Fund Amendments.

Section 11113(c) of title 46, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting "plus a surcharge of 20 percent of such total amount", after "seafarer"; and

(2) by striking paragraph (4).

Sec. 5502. Rectification of International Agreements for Ice Patrol Services.

Section 80301(c) of title 46, United States Code, is amended by striking the period at the end and inserting "and the United States will continue to cooperate with all countries and organizations that agree to adopt the international ice patrol program.".

Sec. 5503. Passenger Vessel Security and Access Requirements.

Notwithstanding any other provision of law, requirements authorized under sections 3509 of title 46, United States Code, shall not apply to any passenger vessel, as defined in section 2101 of such title, that—

(1) carries in excess of 250 passengers; and

(2) is, or was, in operation in the international waters of one or more countries, including the Boundary Line, as defined in section 101 of such title, on or before July 27, 2030.

Sec. 5504. At-Sea Recovery Operations Pilot Program.

(a) In General.—The Secretary shall conduct a pilot program to evaluate the potential use of remotely controlled or autonomous vessels, and payload-bearing of certain vessels for the purposes of—

(1) better understanding the complexities of such at-sea operations and potential risks to navigation safety, vessel security, maritime workers, the public, and the environment;

(2) gathering observational and performance data from studying the use of remotely-controlled or autonomous vessels; and

(3) assessing and evaluating regulatory requirements necessary to guide the development of future occurrences of such operations and monitoring activities.

(b) Duration and Effective Date.—The duration of the pilot program established under this section shall not be more than 5 years beginning on the date on which the pilot program is established, which shall be not later than 180 days after the date of enactment of this Act.

(c) Authorized Activities.—The activities authorized under this section include—

(1) remote over-the-horizon monitoring operations related to the active at-sea recovery of spaceflight debris on an unmanned vessel or platform;

(2) procedures for the unaccompanied operation and monitoring of an unmanned spaceflight recovery vessel or platform; and

(3) unmanned vessel transits and testing operations without a physical tow line related to space launch and recovery operations, except within 12 nautical miles of a port.

(d) In General.—In recognition of potential risks to navigation safety, vessel security, maritime industries in the public, and the environment, and the unique circumstances requiring the use of remotely operated or autonomous vessels, the Secretary, in the pilot program established under subsection (a), may—

(1) allow remotely controlled or autonomous vessel operations to proceed consistent with the goals of sections 33 and 46 of the United States Code, including navigation and manning laws and regulations;

(2) modify or waive applicable regulations and guidance as the Secretary considers appropriate to—

(A) allow remote and autonomous vessel at-sea operations and activities to occur while ensuring safety; and

(B) ensure the reliable, safe, and secure operation of remotely-controlled or autonomous vessels; and

(3) require each remotely operated or autonomous vessel to be at all times under the supervision of 1 or more individuals—

(A) holding a merchant mariner credential which is suitable to the satisfaction of the Coast Guard; and

(B) who shall practice due regard for the safety of navigation and autonomous vessels, to include collision avoidance.

(e) Rule of Construction.—Nothing in this section shall be construed to authorize the Secretary to—

(1) permit foreign vessels to participate in the pilot program established under subsection (a); or

(2) waive or modify any regulations arising under international conventions.

(f) Savings Provision.—Nothing in this section may be construed to authorize the employment in trade of a vessel or platform that does not meet the requirements of sections 12112, 55102, 55103, and 55111 of title 46, United States Code.

(g) Briefings.—The Secretary or the designee of the Secretary shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the program established under subsection (a) on a quarterly basis.

(h) Report.—Not later than 180 days after the expiration of the pilot program established under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report regarding an assessment of the execution of the pilot program and implications for maintaining navigation safety, the safety of maritime workers, and the preservation of the environment.

(i) GAO Report.—In General.—Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of autonomous and remotely operated vessels in the operation of shipboard equipment and the safe and secure navigation of vessels in Federal waters of the United States.

(j) Elements.—The report required under paragraph (1) shall include the following:

(A) An assessment of commercially available autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels during the 10 years immediately preceding the date of the report.

(B) An analysis of the safety, physical security, cybersecurity, and collision avoidance risks and benefits associated with autonomous and remote vessel operations in the operation of shipboard equipment and the safe and secure navigation of vessels, including environmental considerations.

(C) An assessment of the impact of such autonomous and remote technologies, and all associated technologies, on labor, including—

(i) roles for credentialed and noncredentialed workers regarding such autonomous, remote, and associated technologies; and

(ii) training and workforce development needs associated with such technologies.

(D) An assessment and evaluation of regulatory requirements necessary to guide the development of future autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels.

(E) An assessment of the extent to which such technologies are being used in other countries and how such countries have regulated such technologies.

(F) Recommendations regarding authorization, infrastructure, and other requirements necessary for the implementation of such technologies in the United States.

(G) Consultation.—The report required under paragraph (1) shall include, at a minimum, consultation with the maritime industry including—

(A) vessel operators, including commercial carriers, entities engaged in exploring for, developing, or producing resources, including non-mineral energy resources in its offshore areas, and supporting entities in the maritime industry;

(B) shipboard personnel impacted by any changes to autonomous vessel operations, in order to assess the various benefits and risks associated with the implementation of autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels and the impact such technologies would have on maritime jobs and maritime workforce development;

(C) recommendations for appropriate policies and regulatory changes to reflect the use of autonomous vessels in the maritime industry;

(D) recommendations for appropriate policies and regulatory changes to ensure the safe and secure navigation of vessels and the impact such technologies would have on maritime jobs and maritime workforce development.

(i) Definitions.—In this section:

(1) Merchant Mariner Credential.—The term "merchant mariner credential" means a merchant mariner license, certificate, or permit issued for the operation of an autonomous vessel.
SEC. 3056. MORATORIUM ON TOWING VESSEL INSPECTION FEES.

Notwithstanding section 30512 of title 31, United States Code, and section 2110 of title 46 of such Code, the Secretary of the department in which the Coast Guard is operating may not charge an inspection fee for a towing vessel that has a certificate of inspection issued under subchapter M of chapter 1 of title 46, United States Code (or any successor regulation), and that uses the Towing Safety Management System option for such vessel, if—

(A) the party in control of the towing vessel—

(i) is a commercial operator of a vessel; or

(ii) is in the process of being certificated under subchapter M of chapter 1 of title 46, United States Code (or any successor regulation); and

(B) the party in control of the towing vessel—

(i) has a valid certificate of inspection; and

(ii) has a valid vessel inspection certificate.

SEC. 30507. CERTAIN HISTORIC PASSENGER VESSELS.

(a) REPORT ON COVERED HISTORIC VESSELS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the practicability of the application of section 3306(n)(3)(A)(v) of title 46, United States Code, to covered historic vessels.

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

(A) An assessment of the compliance, as of the date on which the report is submitted in accordance with paragraph (1), of covered historic vessels with section 3306(n)(3)(A)(v) of title 46, United States Code.

(B) An assessment of the safety record of covered historic vessels.

(C) An assessment of the risk, if any, that modifying the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code, would meaningfully improve safety of passengers and crew of covered historic vessels.

(D) An economic assessment of the compliance of covered historic vessels with section 3306(n)(3)(A)(v) and whether that compliance would meaningfully improve safety of passengers and crew in a manner that is both feasible and economically practicable.

(e) CHAPTER ANALYSIS.—The analysis for chapter 305 of title 46, United States Code, is amended—

(1) by inserting before the term relating to section 30505 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

(2) by inserting after the term relating to section 30505 the following:

“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”;

(3) by striking the term relating to section 30501 and inserting the following:

“30501. Definitions.”;

and

(4) by redesignating the items relating to sections 30503 through 30512 as sections 30521 through 30530, respectively.
SEC. 5512. ALTERNATE SAFETY COMPLIANCE PROGRAM EXCEPTION FOR CERTAIN VESSELS.

Section 4504a of title 46, United States Code, is amended—

(1) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(2) by inserting after subsection (c) the following:

"(d) Subsection (a) shall not apply to a vessel that—

(1) is 79 feet or less in length as listed on the vessel’s certificate of documentation or certificate of number; and

(2)(A) successfully completes a dockside examination by the Comptroller every 2 years in accordance with section 4502(2)(c) of this title; and

(B) visibly displays a current decal demonstrating examination compliance in the pilothouse or equivalent space.".

Subchapter IV

SEC. 5521. DEFINITION OF A STATELESS VESSEL.

Section 7052(d)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

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

"(D) a vessel aboard which no individual, or is identified as the individual in charge of and the reasons for such backlogs; and

(3) D EFINITION OF MERCHANT MARINER CRE - DENTIAL RECORDS DATABASE.

SEC. 5523. STUDY ON MULTI-LEVEL SUPPLY CHAIN SECURITY STRATEGY OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Commandant, shall prepare and submit a report to Congress that evaluates the current processes, as of the date of enactment of this Act, of the National Maritime Center for processing and approving merchant mariner credentials.

(b) CONTENTS OF EVALUATION.—The evaluation conducted under paragraph (1) shall include—

(1) an analysis of the effectiveness of the current merchant mariner credentialing process, as of the date of enactment of this Act;

(2) an analysis of the backlogs relating to the merchant mariner credentialing process and the reasons for such backlogs; and

(3) recommendations for improving and expediting the merchant mariner credentialing process.

(4) DEF INITION OF MERCHANT MARINER CRE - DENTIAL.—In this subsection, the term ‘merchant mariner credential’ means a merchant mariner license, certificate, or document that the Secretary of the Department of Homeland Security with respect to securing vessels and maritime cargo bound for the United States from national security related risks and threats.

(b) ELEMENTS.—The study required under subsection (a) shall assess the following:

(1) an analysis of the effectiveness of the current merchant mariner credentialing process, as of the date of enactment of this Act;

(2) an analysis of the backlogs relating to the merchant mariner credentialing process and the reasons for such backlogs; and

(3) recommendations for improving and expediting the merchant mariner credentialing process.

(5) DEF INITION OF MERCHANT MARINER CRE - DENTIAL.—In this subsection, the term ‘merchant mariner credential’ means a merchant mariner license, certificate, or document that the Secretary of the Department of Homeland Security with respect to securing vessels and maritime cargo bound for the United States from national security related risks and threats.

(b) ELEMENTS.—The study required under subsection (a) shall assess the following:

(1) an analysis of the effectiveness of the current merchant mariner credentialing process, as of the date of enactment of this Act;

(2) an analysis of the backlogs relating to the merchant mariner credentialing process and the reasons for such backlogs; and

(3) recommendations for improving and expediting the merchant mariner credentialing process.

(t) E XPLANATION OF CONCURRENCE.—A re - }show/109/crpt/109s/109s1061.pdf?view=pdf&false=false&jsapi=true&width=750&height=600
agency action involving a credentialed mariner or regarding any involvement in a marine casualty; and

(B) maintains such records in a manner such that data can be readily accessed by and provided to the Federal Government for the purpose of assessing workforce needs and for the purpose of the economic and national security of the United States.

(2) ELEMENTS.—The study required under paragraph (1) shall—

(A) include an assessment of the resources, including the human and technological resources and the authorities necessary to develop and maintain the database described in such paragraph; and

(B) specifically address the protection of the privacy interests of any individuals whose information may be contained within the database, which shall include limiting access to the database or having access to the database be monitored by, or accessed through, a member of the Coast Guard.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a), including findings, conclusions, and recommendations.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary shall consult with the Secretary of the Department in which the Coast Guard is operating.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a), including findings, conclusions, and recommendations.

SEC. 5528. ASSESSMENT REGARDING APPLICATION PROCESS FOR MERCHANT MARINER CREDENTIALS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct an assessment to determine the resources, including personnel and computing resources, required to—

(1) reduce the amount of time necessary to process merchant mariner credentialing application processing to not more than 2 weeks after the date of receipt; and

(2) develop and maintain an electronic merchant mariner credentialing application processing system.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with the results of the assessment required under subsection (a).

(c) DEFINITION.—In this section, the term ‘‘merchant mariner credentialing application processing system’’ means a credentialing system to support economic development, certification and watchkeeping for seafarers, and national security.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Armed Services of the House of Representatives, a report that contains an update on the activities carried out to support the—

(A) July 2020 report by the Committee on the Marine Transportation System to the White House Office of Trade and Manufacturing Policy on the implementation of Executive Order 13860 (84 Fed. Reg. 8407; relating to supporting the transition of active duty servicemembers and military veterans into the Merchant Marine); and


(e) ASSESSMENT OF SKILLBRIDGE FOR EMPLOYMENT AS A MERCHANT MARINER.—The Secretary of the department in which the Coast Guard is operating, in collaboration with the Secretary of Defense, shall assess the use of the SkillBridge program of the Department of Defense as a means for transitioning active duty sea service personnel toward employment as a merchant mariner.

(f) REPORTING DRY DOCKS.

Section 55122(a) of title 46, United States Code, is amended—

(1) by striking ‘‘(C)’’ and inserting ‘‘(C)’’;

(2) by striking ‘‘2015; and’’ and inserting ‘‘2015; or’’; and

(3) by adding at the end the following:

‘‘(4) ‘sexual harassment’ means any of the following:

‘‘(A) Conduct towards an individual (which a reasonable person would perceive, and the individual would experience) that.—

‘‘(i) involves unwelcome sexual advances, requests for sexual favors, or other comparable unwelcome conduct that is a hostile or offensive work environment.

‘‘(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such letter of intent for purchase by such shipyard or affiliate; and

‘‘(iii) was engaged in a transaction with the Secretary of Defense, the Coast Guard, or members of the Uniformed Services to receive a merchant mariner credential; and

‘‘(4) Section 55122(b) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (45) through (54) as paragraphs (47) through (56), respectively; and

(2) by inserting after paragraph (44) the following:

‘‘(45) ‘sexual assault’ means any of the following:

‘‘(A) Conduct towards an individual (which a reasonable person would perceive, and the individual would experience) that.—

‘‘(i) involves sexual or physical contact that is—

‘‘(I) by striking ‘‘(C)’’ and inserting ‘‘(C)’’;

‘‘(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such letter of intent for purchase by such shipyard or affiliate; and

‘‘(iii) was engaged in a transaction with the Secretary of Defense, the Coast Guard, or members of the Uniformed Services to receive a merchant mariner credential; and

‘‘(46) ‘sexual harassment’ means any of the following:

‘‘(A) Conduct towards an individual (which a reasonable person would perceive, and the individual would experience) that.—

‘‘(i) involves unwelcome sexual advances, requests for sexual favors, or other comparable unwelcome conduct that is a hostile or offensive work environment.

‘‘(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such letter of intent for purchase by such shipyard or affiliate; and

‘‘(iii) was engaged in a transaction with the Secretary of Defense, the Coast Guard, or members of the Uniformed Services to receive a merchant mariner credential; and

‘‘(ii) is so severe or pervasive that a reasonable person would perceive, and the individual would experience) that.—

‘‘(i) involves unwelcome sexual advances, requests for sexual favors, or other comparable unwelcome conduct that is a hostile or offensive work environment.

‘‘(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such letter of intent for purchase by such shipyard or affiliate; and

‘‘(iii) was engaged in a transaction with the Secretary of Defense, the Coast Guard, or members of the Uniformed Services to receive a merchant mariner credential; and

SEC. 5528. ASSESSMENT REGARDING APPLICATION PROCESS FOR MERCHANT MARINER CREDENTIALS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct an assessment to determine the resources, including personnel and computing resources, required to—

(1) reduce the amount of time necessary to process merchant mariner credentialing application processing to not more than 2 weeks after the date of receipt; and

(2) develop and maintain an electronic merchant mariner credentialing application processing system.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with the results of the assessment required under subsection (a).

(c) DEFINITION.—In this section, the term ‘‘merchant mariner credentialing application processing system’’ means a credentialing system to support economic development, certification and watchkeeping for seafarers, and national security.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Armed Services of the House of Representatives, a report that contains an update on the activities carried out to support the—

(A) July 2020 report by the Committee on the Marine Transportation System to the White House Office of Trade and Manufacturing Policy on the implementation of Executive Order 13860 (84 Fed. Reg. 8407; relating to supporting the transition of active duty servicemembers and military veterans into the Merchant Marine); and


(e) ASSESSMENT OF SKILLBRIDGE FOR EMPLOYMENT AS A MERCHANT MARINER.—The Secretary of the department in which the Coast Guard is operating, in collaboration with the Secretary of Defense, shall assess the use of the SkillBridge program of the Department of Defense as a means for transitioning active duty sea service personnel toward employment as a merchant mariner.

(f) REPORTING DRY DOCKS.

Section 55122(a) of title 46, United States Code, is amended—

(1) by striking ‘‘(C)’’ and inserting ‘‘(C)’’;

(2) by striking ‘‘2015; and’’ and inserting ‘‘2015; or’’; and

(3) by adding at the end the following:

‘‘(4) ‘sexual assault’ means any of the following:

‘‘(A) Conduct towards an individual (which a reasonable person would perceive, and the individual would experience) that.—

‘‘(i) involves unwelcome sexual advances, requests for sexual favors, or other comparable unwelcome conduct that is a hostile or offensive work environment.

‘‘(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such letter of intent for purchase by such shipyard or affiliate; and

‘‘(iii) was engaged in a transaction with the Secretary of Defense, the Coast Guard, or members of the Uniformed Services to receive a merchant mariner credential; and

‘‘(46) ‘sexual harassment’ means any of the following:

‘‘(A) Conduct towards an individual (which a reasonable person would perceive, and the individual would experience) that.—

‘‘(i) involves unwelcome sexual advances, requests for sexual favors, or other comparable unwelcome conduct that is a hostile or offensive work environment.

‘‘(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such letter of intent for purchase by such shipyard or affiliate; and

‘‘(iii) was engaged in a transaction with the Secretary of Defense, the Coast Guard, or members of the Uniformed Services to receive a merchant mariner credential; and

SEC. 5528. ASSESSMENT REGARDING APPLICATION PROCESS FOR MERCHANT MARINER CREDENTIALS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct an assessment to determine the resources, including personnel and computing resources, required to—

(1) reduce the amount of time necessary to process merchant mariner credentialing application processing to not more than 2 weeks after the date of receipt; and

(2) develop and maintain an electronic merchant mariner credentialing application processing system.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with the results of the assessment required under subsection (a).

(c) DEFINITION.—In this section, the term ‘‘merchant mariner credentialing application processing system’’ means a credentialing system to support economic development, certification and watchkeeping for seafarers, and national security.
“(B) Any use or condonation by any person in a supervisory or command position of any form of sexual behavior to control, influence, or affect the career, pay, or job of an individual, or any form of behavior toward or about an individual by the individual’s superior, a supervisor in another area, a coworker, or another credentialed maritime personnel.

“(C) Any intentional or repeated unwelcome verbal comment or gesture of a sexual nature toward or about an individual by the individual’s superior, a supervisor in another area, a coworker, or another credentialed maritime personnel.

“(b) REPORT.—The Commandant shall submit to the Committees on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the procedures by which the Commandant may propose to the definitions added by the amendments in subsection (a).

(2) Conforming Amendments.—

(A) Section 2113(3) of title 46, United States Code, is amended by striking “section 2101(53)(A)” and inserting “section 2101(53)(B)

(B) Section 4105 of title 46, United States Code, is amended—

(A) in subsections (b)(1) and (c), by striking “section 2101(53)” and inserting “section 2101(53)(A)”;

(B) in subsection (d), by striking “section 2101(53)(A)” and inserting “section 2101(53)(B)”;

(C) in subsection (h), by striking “section 2101” and inserting “section 2101(53)”; and

(D) in subsection (i), by striking “section 2101” and inserting “section 2101(53)”.

(3) Section 1313(a)(1)(E) of title 49, United States Code, is amended by striking “section 2101(53)” and inserting “section 2101(53)(B)”.

SEC. 5602. SEX OFFENDER AS GROUNDS FOR DENIAL.

(a) In General.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 5711. Convicted sex offender as grounds for denial

“(a) SEXUAL ABUSE.—A license, certificate of registry, or merchant mariner’s document authorized to be issued under this part shall be denied to an individual who has been convicted of a sexual offense prohibited under—

(1) chapter 199A of title 18, except for subsection (h) of section 2244 of title 18; or

(2) a substantially similar offense under a State, local, or Tribal law.

“(b) ABUSIVE SEXUAL CONTACT.—A license, certificate of registry, or merchant mariner’s document authorized to be issued under this part shall be denied to an individual who has been convicted of an offense prohibited under—

(1) chapter 199A of title 18, except for subsection (b) of section 2244 of title 18; or

(2) a substantially similar offense under a State, local, or Tribal law.

“(b) Clerical Amendment.—The analysis for chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“7511. Convicted sex offender as grounds for denial.”

SEC. 5603. ACCOMMODATION; NOTICES.

Section 11105 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “; and” and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) each crew berthing area shall be equipped with information regarding—

(A) vessel owner or company policies prohibiting sexual assault, sexual harassment, retaliation, and drug and alcohol use; and

(B) procedures and resources to report allegations of sexual assault and sexual harassment, including information—

(I) of the crew member’s contact information, website address, and mobile application of the Coast Guard Investigative Services and the Coast Guard National Command Center, in order to report allegations of sexual assault or sexual harassment;

(II) on vessel owner or company procedures to report allegations of company policy and access resources;

(III) on resources provided by outside organizations such as sexual assault hotlines and community or social service agencies; and

(IV) on the retention period for surveillance video recording after an incident of sexual harassment or sexual assault is reported; and

(V) on additional items specified in regulations issued by, and at the discretion of, the Secretary.”;

and

(2) in subsection (b), by adding at the end the following: “In each washing place in a visible location, there shall be information regarding procedures and resources to report alleged sexual assault and sexual harassment upon the vessel, and vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol use.”

SEC. 5604. PROTECTION AGAINST DISCRIMINATION.

Section 2110a of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively;

and

(B) by inserting after subparagraph (A) the following:

“(B) the seaman in good faith has reported or is about to report to the vessel owner, Coast Guard, or other appropriate Federal agency or department sexual harassment or sexual assault against the seaman or knowledge of sexual harassment or sexual assault against another seaman;”;

and

(2) in paragraphs (2) and (3), by striking “paragraph (1)(B)” each place it appears and inserting “paragraph (1)(C)”.

SEC. 5605. ALCOHOL AT SEA.

(a) In General.—The Commandant shall seek to enter into an agreement with the National Academy of Sciences not later than 1 year after the date of the enactment of this Act under which the National Academy of Sciences shall prepare an assessment to determine safe levels of alcohol consumption and possession by crew members aboard vessels of the United States engaged in commercial service, or that such possession is associated with the commercial sale to individuals aboard the vessel who are not crew members.

(b) Assessment.—The assessment under this section shall—

(1) take into account the safety and security of every individual on the vessel;

(2) take into account reported incidences of sexual harassment or sexual assault, as defined in section 2101 of title 46, United States Code; and

(3) provide any appropriate recommendations for any changes to laws, including regulations, or employer policies.

(c) Submission of the assessment under this section, the National Academy of Sciences shall submit the assessment to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Secretary, and the Secretary of the department in which the Coast Guard is operating.

(d) Regulations.—The Commandant shall—

(1) establish regulations and recommendations of the assessment under this section by not later than 180 days after receiving the assessment under subsection (c); and

(2) taking into account the safety and security of every individual on vessels of the United States engaged in commercial service, may issue regulations relating to alcohol consumption on such vessels.

(e) Report Required.—If, by the date that is 1 year after the recommendations under subsection (c), the Commandant does not issue regulations under subsection (d), the Commandant shall provide a report by such date to the appropriate committees of Congress—

(1) regarding the rationale for not issuing such regulations; and

(2) providing other recommendations as necessary to ensure safety at sea.

SEC. 5606. SEXUAL HARASSMENT OR SEXUAL ASSAULT AS GROUNDS FOR SUSPENSION OR REVOCATION.

(a) In General.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

“7704a. Sexual harassment or sexual assault as grounds for suspension and revocation.

“(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 10 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual harassment or sexual assault, then in addition to the certificate of registry, or merchant mariner’s document shall be suspended or revoked.

“(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, then the license, certificate of registry, or merchant mariner’s document shall be revoked.

“(c) SUBSTANTIATED CLAIM.—

“(1) IN GENERAL.—In this section, the term ‘substantiated claim’ means—

“(A) a legal proceeding or agency action in any administrative proceeding that determines the individual committed sexual harassment or sexual assault in violation of any Federal, State, local, or Tribal law or regulation; and

“(B) a determination after an investigation by the Coast Guard that it is more likely than not that the individual committed sexual harassment or sexual assault as defined in section 2101, the determination affords appropriate due process rights to the subject of the investigation.

“(2) ADDITIONAL REVIEW.—A license, certificate of registry, or merchant mariner’s document shall not be suspended or revoked under subsection (a) or (b), unless the substantiated claim is reviewed and affirmed, in accordance with the applicable definition in section 2101, by an administrative law judge at the same suspension or revocation hearing under this chapter described in subsection (a) (b), as applicable; and

“(c) Clerical Amendment.—The analysis for chapter 77 of title 46, United States Code, is amended by inserting after the item relating to section 7704 the following:

“7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.”

SEC. 5607. SURVEILLANCE REQUIREMENTS.

(a) In General.—Part II of chapter 49 of title 46, United States Code, is amended by adding at the end the following:

“CHAPTER 49—OCEANOGRAPHIC NONPASSENGER COMMERCIAL VESSELS

“§ 4901. Surveillance requirements

“(a) APPLICABILITY.—

“(1) IN GENERAL.—The requirements in this section shall apply to vessels engaged in

SEC. 5608. SEXUAL HARASSMENT OR SEXUAL ASSAULT AS GROUNDS FOR SUSPENSION OR REVOCATION.
commercial service that do not carry passengers and are any of the following:

"(A) A documented vessel with overnight accommodations for at least 10 persons on board;

"(B) A documented vessel on an international voyage that is of—

"(i) In excess of 100 gross tons as measured under section 14522; or

"(ii) an alternate tonnage measured under section 14522 as described by the Secretary under section 14194.

"(C) A vessel with overnight accommodations for at least 10 persons on board that are operating for no less than 72 hours on waters superjacent to the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)));

"(D) a fishing vessel, fisherman, or fisher, as defined in section 30101.

"(E) a vessel to which this section applies shall maintain a video surveillance system in accordance with this section.

"(F) The owner of a vessel to which this section applies shall install video and audio surveillance equipment aboard the vessel not later than 2 years after the date of enactment of the Coast Guard Authorization Act of 2022, or during the next scheduled dry-dock, whichever is later.

"(G) Locations of video and audio surveillance equipment shall be placed in passage-ways onto which doors from staterooms are any of the following:

"(i) that the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with section 10104; or

"(ii) other failure of the safety management system resulted in the failure to comply with such section.

"(H) In general.—The Secretary may audit the safety management system of a vessel under this section to determine if there is a failure to comply with any other requirement under section 10104.

"(I) Certificates.—

"(a) Suspension.—During an audit of a safety management system required under paragraph (1), the Secretary may suspend the Safety Management Certificate issued for the vessel under section 3235 if the Secretary determines—

"(i) the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with section 10104; or

"(ii) other failure of the safety management system resulted in the failure to comply with such section.

"(J) Documents of compliance.—

"(a) In general.—Following an audit of the safety management system of a vessel required under paragraph (1), the Secretary may audit the safety management system of the responsible person for the vessel.

"(b) Suspension.—During an audit under subparagraph (A), the Secretary may suspend the Document of Compliance issued to the responsible person under section 3235 if the Secretary determines—

"(i) the holder of the Document of Compliance knowingly, or repeatedly, failed to comply with such section.

"(c) Revocation.—At the conclusion of an assessment or an audit of a safety management system under subparagraph (A), the Secretary shall revoke the Document of Compliance if the Secretary determines—

"(i) the holder of the Document of Compliance knowingly, or repeatedly, failed to comply with such section.

"(ii) other failure of the safety management system resulted in the failure to comply with such section.

"(d) Requirement to report sexual harassment and sexual assault.—

"(1) In general.—The analysis of subtitle II at the beginning of title 46, United States Code, is amended by adding after the item relating to chapter 37 the following:

"(2) by redesigning subsections (b) and (c) as subsections (d) and (e), respectively; and

"(3) by inserting after subsection (a) the following:

"(a) Mandatory reporting by vessel owner, master, managing operator, or employer.—

"(A) In general.—A vessel owner, master, or managing operator of a documented vessel or the employer of a seafarer on that vessel shall report to the Commandant in accordance with such subsection in the case of an incident of sexual harassment or sexual assault involving a crew member in violation of
of employer policy or law of which such vessel owner, master, managing operator, or employer of the seafarer is made aware. Such reporting shall include results of any investigation into the incident, if applicable, and any action taken against the offending crew member.

(2) PENALTY. — A vessel owner, master, or managing operator, or employer of a seafarer that knowingly fails to report in compliance with paragraph (1) is liable to the United States Government for a civil penalty of not more than $50,000.

(3) DISCRETIONARY Limits.—A report required under subsection (a) shall be made immediately after the vessel owner, master, managing operator, or employer of the seafarer gains knowledge of a sexual assault or sexual harassment incident by the fastest telecommunications channel available. Such report shall be made to the Commandant and the appropriate officer or agency of the government in whose waters the incident occurs.

(2) CONTENTS. — A report required under subsection (a) shall—

(A) the name, official position or role in relation to the vessel, and contact information of the individual making the report;

(B) the name and official number of the documented vessel;

(C) the time and date of the incident;

(D) the geographic position or location of the vessel when the incident occurred; and

(E) a brief description of the alleged sexual harassment or sexual assault being reported.

(3) RECEIVING REPORTS AND COLLECTION OF INFORMATION. —

(A) RECEIVING REPORTS. — With respect to reports submitted under this subsection to the Coast Guard, the Commandant—

(i) may establish additional reporting procedures, including procedures for receiving reports through—

(I) a telephone number that is continuously manned at all times; and

(II) an email address that is continuously monitored; and

(ii) shall use procedures that include preserving evidence in such reports and providing office referrals.

(B) COLLECTION OF INFORMATION. — After receiving a report under this subsection, the Commandant shall collect information related to the identity of each alleged victim, alleged perpetrator, and witness identified in the report through a means designed to protect, to the extent practicable, the personal identifiable information of such individuals.

(c) SUBPOENA AUTHORITY. —

(1) IN GENERAL. — The Commandant may compel the testimony of witnesses and the production of evidence by subpoena to determine compliance with this section.

(2) JURISDICTIONAL LIMITS. — The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(d) COMPANY AFTER-ACTION SUMMARY. — A vessel owner, master, managing operator, or employer of a seafarer that makes a report under subsection (a) shall—

(1) submit to the Commandant a document containing information to describe the actions taken by the vessel owner, master, managing operator, or employer of a seafarer after it became aware of the sexual assault or sexual harassment incident; and

(2) make such submission not later than 10 days after the vessel owner, master, managing operator, or employer of a seafarer made the report under subsection (a).

(e) INVESTIGATORY AUDIT. — The Commandant shall periodically perform an audit or other systematic review of the submissions made under this section to determine if there were any failures to comply with the requirements of this section.

(f) PROHIBITION. — A vessel owner, master, managing operator, or employer of a seafarer that fails to comply with subsection (e) is liable to the United States Government for a civil penalty of $50,000 for each day a failure continues.

(g) APPLICABILITY; REGULATIONS. —

(1) EFFECTIVE DATE OF REGULATIONS. — The requirements of this section take effect on the date of enactment of the Coast Guard Authorization Act of 2022.

(2) REGULATIONS. — The Commandant may issue regulations to implement the requirements of this section.

(3) REPORTS. — Any report required to be made under subsection (a) shall be made to the Coast Guard National Command Center, until regulations establishing other reporting procedures are issued.

§ 565. Access to care and sexual assault forensics examinations.

(a) IN GENERAL. — Before embarking on any prescheduled voyage, a Coast Guard vessel shall have in place a written operating procedure that ensures that an embarked victim of sexual assault shall have access to a sexual assault forensic examination as follows:

(1) as soon as possible after the victim requests an examination; and

(2) that is treated with the same level of urgency as emergency medical care.

(b) REQUIREMENTS. — The written operating procedure required by subsection (a) shall, at a minimum, account for—

(1) the health, safety, and privacy of a victim of sexual assault;

(2) the proximity of ashore or afloat medical facilities, including coordination as necessary, by the Commandant with the National Academies of Sciences, Engineering, and Medicine;

(3) the availability of aeromedical evacuation;

(4) the operational capabilities of the vessel concerned; and

(5) the qualifications of medical personnel onboard.

(2) COORDINATION WITH LAW ENFORCEMENT AND THE VICTIM. —

(1) The Commandant, in consultation with the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, shall—

(A) establish procedures to provide rapid access into agencies that are responsible for conducting sexual assault forensic examinations;

(B) coordinate with law enforcement agencies to ensure victim-centered care, as appropriate;

(C) ensure that the Department of Defense, including the National Academies of Sciences, Engineering, and Medicine, is included in the development of such procedures;

(D) issue a report summarizing the findings of the study; and

(E) take into account—

(i) the safety and security of the alleged victim of sexual assault;

(ii) the ability to properly identify, document, and preserve any evidence relevant to the prosecution of sexual violence;

(iii) the applicable criminal procedural laws relating to authenticity, relevance, preservation of evidence, chain of custody, and any other matter relating to evidentiary admissibility; and

(B) provide any appropriate recommendations for changes to existing laws, regulations, or employer policy.

(3) REPORT. — Upon completion of the study under paragraph (1), the National Academy of Sciences shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Secretary of the department in which the Coast Guard is operating a report on the findings of the study.

(c) C LERICAL AMENDMENT. — The analysis for subchapter IV of chapter 5 of title 46, United States Code, as amended by section 5211, is further amended by adding at the end the following:

“656. Access to care and sexual assault forensic examinations.”

§ 5611. ACCESS TO CARE AND SEXUAL ASSAULT FORENSIC EXAMINATIONS.

(a) In General.—Subchapter IV of chapter 5 of title 14, United States Code, as amended by section 5211, is further amended by adding at the end the following:

“§ 5611. Access to care and sexual assault forensic examinations.

(a) In General.—Before embarking on any prescheduled voyage, a Coast Guard vessel shall have in place a written operating procedure that ensures that an embarked victim of sexual assault shall have access to a sexual assault forensic examination as follows:

(1) as soon as possible after the victim requests an examination; and

(2) that is treated with the same level of urgency as emergency medical care.

(b) Requirements.—The written operating procedure required by subsection (a) shall, at a minimum, account for—

(1) the health, safety, and privacy of a victim of sexual assault;

(2) the proximity of ashore or afloat medical facilities, including coordination as necessary, by the Commandant with the National Academies of Sciences, Engineering, and Medicine;

(3) the availability of aeromedical evacuation;

(4) the operational capabilities of the vessel concerned; and

(5) the qualifications of medical personnel onboard.

(b) Coordination with Law Enforcement and the Victim.—

(1) The Commandant, in consultation with the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, shall—

(A) establish procedures to provide rapid access into agencies that are responsible for conducting sexual assault forensic examinations;

(B) coordinate with law enforcement agencies to ensure victim-centered care, as appropriate;

(C) ensure that the Department of Defense, including the National Academies of Sciences, Engineering, and Medicine, is included in the development of such procedures;

(D) issue a report summarizing the findings of the study; and

(E) take into account—

(i) the safety and security of the alleged victim of sexual assault;

(ii) the ability to properly identify, document, and preserve any evidence relevant to the prosecution of sexual violence;

(iii) the applicable criminal procedural laws relating to authenticity, relevance, preservation of evidence, chain of custody, and any other matter relating to evidentiary admissibility; and

(B) provide any appropriate recommendations for changes to existing laws, regulations, or employer policy.

(3) Report.—Upon completion of the study under paragraph (1), the National Academy of Sciences shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Secretary of the department in which the Coast Guard is operating a report on the findings of the study.

(c) Clerical Amendment.—The analysis for subchapter IV of chapter 5 of title 46, United States Code, as amended by section 5211, is further amended by adding at the end the following:

“656. Access to care and sexual assault forensic examinations.”

§ 5612. REPORTS TO CONGRESS.

(a) In General.—Chapter 101 of title 46, United States Code, is amended by adding at the end the following:

“§ 10105. Reports to Congress.

Not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 2022, and on an annual basis thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report to include—

(1) the number of reports received under section 10104;

(2) the number of penalties issued under such section;

(3) the number of open investigations under such section, completed investigations under such section, and outcomes of such open or completed investigations;

(4) the number of assessments or audits conducted under section 3203 and the outcomes of those assessments or audits;

(5) a statistical analysis of compliance with the safety management system criteria under section 3203;

(6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses; and

(7) recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector, including funding requirements and legislative change proposals necessary to ensure compliance with title LVI of the Coast Guard Authorization Act of 2022 and the amendments made by such title.

(b) Clerical Amendment.—The analysis for chapter 101 of title 46, United States Code, is amended by adding at the end the following:

“10105. Reports to Congress.”

§ 5613. POLICY ON REQUESTS FOR PERMANENT CHANGES OF STATION OR UNIT TRANSFERS BY PERSONS WHO REPORT BEING THE VICTIM OF SEXUAL ASSAULT.

Not later than 30 days after the date of the enactment of this Act, the Commandant, in consultation with the Director of the Health, Safety, and Work Life Directorate, shall issue an interim update to Coast Guard policy on the allowance of the Coast Guard who has reported being the victim of a sexual assault or any other offense covered
Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall issue final regulations or policy guidance required to fully implement section 1745 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 270c). The final policy shall be updated not later than 1 year after the date of the enactment of this Act.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall commence a study to assess the oversight over Coast Guard activities, including investigations, personnel management, whistleblower protection, and other activities carried out by the Department of Homeland Security Office of Inspector General.

(b) Elements.—The study required by subsection (a) shall include the following:

(1) An assessment of the ability of the Department of Homeland Security Office of Inspector General to ensure timely, thorough, complete, and appropriate oversight over the Coast Guard, including oversight over both civilian and military activities.

(2) An assessment of—

(A) the best practices with respect to such oversight; and

(B) the ability of the Department of Homeland Security Office of Inspector General and the Commandant to identify and achieve such best practices.

(3) An analysis of the methods, standards, and processes employed by the Department of Defense Office of Inspector General and the Inspector General of the armed forces (as defined in section 101 of title 10, United States Code), other than the Coast Guard, to conduct oversight and investigation activities.

(4) An analysis of the methods, standards, and processes of the Department of Homeland Security Office of Inspector General with respect to oversight over the civilian and military activities of the Coast Guard, as compared to the methods, standards, and processes described in paragraph (3).

(5) An assessment of the extent to which the Coast Guard Investigative Service completes investigations or other disciplinary measures as a result of complaints from the Department of Homeland Security Office of Inspector General.

(6) A description of the staffing, expertise, training, and other resources of the Department of Homeland Security Office of Inspector General, and an assessment as to whether such staffing, expertise, training, and other resources are adequate, necessary, meaningful, timely, and effective, over the activities of the Coast Guard.

(c) Report.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study, including recommendations as to appropriate improvements to Department of Homeland Security Office of Inspector General, and other entities, as applicable.

SEC. 5616. STUDY ON SPECIAL VICTIMS' COUNSEL PROGRAM OF THE COAST GUARD

(a) In General.—Not later than 10 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with a federally funded research and development center for the conduct of a study of—

(1) the Special Victims' Counsel program of the Coast Guard;

(2) Coast Guard investigations of sexual assault offenses and the extent to which the investigation of the alleged offense, and a fully adjudicated criminal trial of the alleged offense in which all appeals have been exhausted; and

(3) legal support and representation provided to members of the Coast Guard who are victims of sexual assault, including in instances in which the accused is a member of the Army, Navy, Air Force, Marine Corps, or Space Force.

(b) Elements.—The study required by subsection (a) shall assess the following:

(1) The Special Victims' Counsel program of the Coast Guard, including training, effectiveness, capacity to handle the number of cases referred, and experience with cases involving members of another armed force (as defined in section 101 of title 10, United States Code).

(2) The experience of Special Victims' Counsel, including oversight over both civilian and military activities.

(3) Policies concerning the availability and detailing of Special Victims' Counsel for sexual assault allegations, in particular such allegations in which the accused is a member of another armed force (as defined in section 101 of title 10, United States Code), and the impact that the cross-service relationship had on—

(A) the competence and sufficiency of services provided to the alleged victim; and

(B) the investigation agency and the Special Victims' Counsel; and

(2) The experience of Special Victims' Counsel, including oversight over both civilian and military activities.

(4) Training provided to, or made available for, Special Victims' Counsel and paralegals with respect to Department of Defense procedures for, Special Victims' Counsel representation of Special Victims' Counsel for sexual assault victims.

(5) The ability of Special Victims' Counsel to operate independently without undue influence from third parties, including the command of the accused, the command of the victim, the Judge Advocate General of the Coast Guard, and the Judge Advocate General of the Coast Guard.

(6) The skill level and experience of Special Victims' Counsel, as compared to special counsel provided to members of the Army, Navy, Air Force, Marine Corps, and Space Force.

(7) Policies regarding access to an alternate Special Victims' Counsel, if requested by the member of the Coast Guard concerned, and potential improvements for such policies.

(c) Report.—Not later than 180 days after entering into an agreement under subsection (a), the federally funded research and development center shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the findings of the study required by that subsection;

(2) recommendations to improve the coordination and experience of Special Victims' Counsel of the Coast Guard so as to improve outcomes for members of the Coast Guard who have reported sexual assault; and

(3) any other recommendation the federally funded research and development center considers appropriate.

TITLE LVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subtitle A—National Oceanic and Atmospheric Administration Commissioned Officer Corps

SEC. 5701. DEFINITIONS.

Section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021(b)) is amended by adding at the end the following:

“(B) UNDERSecretARY.—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmospheres.’.”

SEC. 5702. REQUIREMENT FOR APPOINTMENTS.

Section 221(c) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021(c)) is amended by striking “may not be given” and inserting the following: “may—

“(1) be given only to an individual who is a citizen of the United States; and

“(2) not be given”.}

SEC. 5703. REPEAL OF REQUIREMENT TO PROMOTE ENSIGNS AFTER 3 YEARS OF SERVICE.

(a) In General.—Section 223 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3023) is amended to read as follows:

“SEC. 223. SEPARATION OF ENSIGNS FOUND NOT FULLY QUALIFIED.

“If an officer in the permanent grade of ensign is at any time found not fully qualified, the officer’s commission shall be revoked and the officer shall be separated from the commissioned service.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 223 and inserting the following:

“Sec. 223. Separation of ensigns found not fully qualified.”

SEC. 5704. AUTHORITY TO PROVIDE AWARDS AND DECORATIONS.

(a) In General.—Subtitle A of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

“SEC. 220. AWARDS AND DECORATIONS.

“The Under Secretary may provide ribbons, medals, badges, trophies, and similar devices to members of the commissioned officer corps of the Administration and to members of other uniformed services for service and achievement in support of the missions of the Administration.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 219 the following:

“Sec. 220. Awards and decorations.”

SEC. 5705. RETIREMENT AND SEPARATION.

(a) Appointment. —Section 241(a)(1) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3041(a)(1)) is amended to read as follows:

“(B) RETIREMENT OR SEPARATION.—Section 241(a)(1) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3041(a)(1)) is amended to read as follows:

“(1) an officer in the permanent grade of captain or commander may—

“(A) except as provided by subparagraph (B), be transferred to the retired list; or

“(B) if the officer is not qualified for retirement, be separated from service; and”.}
(b) RETIREMENT FOR AGE.—Section 243(a) of that Act (33 U.S.C. 304(a)) is amended by striking “be retired” and inserting “be retired or separated” (as specified in section 125(h) of United States Code).

(c) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—Section 261(a) of that Act (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (17) through (36) as paragraphs (18) through (27), respectively; and

(2) by inserting after paragraph (16) the following:

“(17) Section 1251(e), relating to retirement or separation based on years of creditable service.”.

SEC. 5706. IMPROVING PROFESSIONAL MARINER STANDING.

(a) In general.—The Under Secretary may prescribe regulations relating to shore leave for professional mariners without regard to the requirements of section 6305 of title 5, United States Code.

(b) Requirements.—The regulations prescribed under subsection (a) shall—

(1) prescribe that a professional mariner serving in a temporary promotion position aboard a vessel shall be granted a leave of absence of eight days per pay period; and

(2) provide that a professional mariner serving in a temporary promotion position aboard an ocean-going vessel shall be granted a leave of absence of four days per pay period; and

(c) Professional Mariner Defined.—In this section, the term “professional mariner” means an individual employed on a vessel of the National Oceanic and Atmospheric Administration.

SEC. 5707. LEGAL ASSISTANCE.

(a) In general.—Title 10, United States Code, is amended by inserting “or the commissioned officer corps of the National Oceonic and Atmospheric Administration” after “Public Health Service”.

SEC. 5708. ACQUISITION OF AIRCRAFT FOR EXTREME WEATHER RECONNAISSANCE.

(a) INCREASED FLEET CAPACITY.—

(1) In general.—The Under Secretary of Commerce for Oceans and Atmosphere shall acquire adequate aircraft platforms with the necessary observation and modification requirements—

(A) to meet agency-wide air reconnaissance and research mission requirements, particularly those related to hurricane and tropical cyclones, and also for atmospheric chemistry, climate, air quality for public health, full-season fire weather research, and operational and research atmospheric river reconnaissance observations, and other mission areas; and

(B) to ensure data and information collected by the aircraft are made available to all users for research and operations purposes.

(b) CONTRACTS.—In carrying out paragraph (1), the Under Secretary shall negotiate and enter into 1 or more contracts or other agreements, to the extent practicable and necessary to enhance the Nation’s environmental monitoring, commercial, or nongovernmental entities.

(c) DERIVATION OF FUNDS.—For each of fiscal years 2023 through 2026, amounts to support the implementation of paragraphs (1) and (2) shall be derived—

(1) from amounts appropriated to the Office of Marine and Aviation Operations of the National Oceanic and Atmospheric Administration and available for the purpose of atmospheric river reconnaissance; and

(2) from amounts appropriated to that Office for purposes other than atmospheric river reconnaissance.

SEC. 5709. REPORT ON PROFESSIONAL MARINER STAFFING MODELS.

(a) In general.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees in subsection (c) a report on staffing issues related to professional mariners within the Office of Marine and Aviation Operations of the National Oceanic and Atmospheric Administration.

(b) Requirements.—The report required by subsection (a) shall include consideration of—

(1) the Office’s mission, including the staffing needs of the WP-3D aircraft;

(2) the Office’s mission, including the operational needs of the WP-3D aircraft;

(3) the Office’s mission, including the operational needs of the WP-3D aircraft; and

(4) the Office’s mission, including the operational needs of the WP-3D aircraft.

SEC. 5711. CONVEYANCE OF CERTAIN PROPERTY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION IN JUNEAU, ALASKA.

(a) DEFINITION.—In this section, the term “City” means the City and Borough of Juneau, Alaska.

(b) Conveyance Authorized.—There is authorized to be appropriated to the WP–3D aircraft to replace the WP–3D aircraft.—

(1) IN GENERAL.—Not later than September 30, 2023, the Under Secretary shall enter into a contract for the acquisition of 6 aircraft to replace the WP–3D aircraft that provides for—

(A) the first newly acquired aircraft to be fully operational before the retirement of the last WP-3D aircraft operated by the National Oceanic and Atmospheric Administration; and

(B) the second newly acquired aircraft to be fully operational not later than 1 year after the first such aircraft is required to be fully operational under subparagraph (A).

(2) AUTHORIZATION OF APPRAISATIONS.—There is authorized to be appropriated to the Under Secretary $1,800,000,000, without fiscal year limitation, for the acquisition of the aircraft under paragraph (1).

(c) Right of First Refusal.—The City and the Secretary shall negotiate and locate at 250 Egan Drive, Juneau, Alaska, including any improvements thereon that are not authorized or required by another provision of law to be conveyed to a specific individual or entity.

(d)โป.Secretary.—The term “Secretary” means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere and the Administration.

(e) Conveyance Authorized.—If the City exercises its right of first refusal under subsection (c) and the requirements of this section are met, the Secretary shall convey to the City the WP–3D aircraft to replace the WP–3D aircraft, at fair market value, on a willing party basis.

(f) Survey.—The exact acreage and legal description of the Property shall be determined by a survey satisfactory to the Secretary.

(g) Condition; Quitclaim Deed.—If the Property is conveyed under this section, the Property shall be conveyed to the City in an “as is, where is” condition; and via a quitclaim deed.

(h) Fair Market Value.—The fair market value of the Property shall be—

(1) determined by an appraisal that—

(A) is conducted by an independent appraiser selected by the Secretary; and

(B) meets the requirements of paragraph (2); and

(2) adjusted, at the Secretary’s discretion, based on the factors described in paragraph (3).

(i) Appraisal Requirements.—An appraisal conducted under paragraph (1)(A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Standards of Professional Appraisal Practice.

(j) Factors.—The factors described in this paragraph are—

(1) matters of equity and fairness;

(2) actions taken by the City regarding the Property, if the City exercises its right of first refusal under subsection (c), including—

(A) comprehensive waterfront planning, site development, and other redevelopment activities supported by the City in proximity to the Property in furtherance of the Master Plan;

(B) in-kind contributions made to facilitate and support use of the Property by governmental agencies; and

(C) any maintenance expenses, capital improvement, or emergency expenditures made necessary to ensure the safety and access to and from the Property.

(k) Notice to City.—If the City exercises its right of first refusal under subsection (c), all reasonable and necessary

Subtitle B—Other Matters

SEC. 5711. CONVEYANCE OF CERTAIN PROPERTY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION IN JUNEAU, ALASKA.

(a) DEFINITION.—In this section, the term “City” means the City and Borough of Juneau, Alaska.
costs, including real estate transaction and environmental documentation costs, associated with the conveyance of the Property to the City under this section may be shared equitable cost-sharing agreement with the City, as determined by the Secretary, including with the City providing in-kind contributions for any or all of such costs.

(b) CONFORMING.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, any proceeds from a conveyance of the Property under this section shall—

(1) be deposited in an account or accounts of the National Oceanic and Atmospheric Administration, and shall as of the date of the enactment of this Act;

(2) used to cover costs associated with the conveyance, related relocation efforts, and other facility and infrastructure projects in Alaska; and

(3) remain available until expended, without further appropriation.

(1) Memorandum of Agreement.—If the City exercises its right of first refusal under subsection (c), before finalizing a conveyance to the City under this section, the Secretary and the City shall enter into a memorandum of agreement to establish the terms under which the Secretary shall have future access to, and property to accommodate the reasonable expectations of the Secretary for future operational and logistical needs in southeast Alaska.

(2) Easement for Environmental Compliance.—Nothing in this section shall be construed to—

(a) granting or any right of the United States to enter the Property for the purpose of taking such actions as may be necessary to protect the interests of the United States.

(b) providing, or an easement granting, the Secretary, or the City providing in-kind contributions for the City under this section may be shared in any or all of such costs.

(2) Effective Date.—The provision reinstated by subsection (a) shall be treated as if such section 2502 had never taken effect.

(3) Conforming Amendment.—The provision reinstated under subsection (a) is amended by striking ‘‘except to the extent provided in this section’’.

SEC. 5809. TERMS AND VACANCIES.

Section 4610(b) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ‘‘one year’’ and inserting ‘‘2 years’’; and

(B) by striking ‘‘2 terms’’ and inserting ‘‘3 terms’’;

(2) in paragraph (3)—

(A) by striking ‘‘of the individual being succeeded’’ and inserting ‘‘to which such individual is appointed’’;

(B) by striking ‘‘2 terms’’ and inserting ‘‘3 terms’’;

(C) by striking ‘‘the predecessor of that’’ and inserting ‘‘to which such individual is appointed’’;

(TITLE LIX—RULE OF CONSTRUCTION.

Nothing in this divisions may be construed—

(1) to satisfy any requirement for government-to-government consultation with Tribal governments; or

(2) to affect or modify any treaty or other agreement with the United States.

(6) For expenses necessary to support the United States Merchant Marine Academy, $318,000,000.

(7) For expenses necessary to provide assistance to small shipyards and for maritime training programs authorized under section 54101 of title 46, United States Code, $85,000,000.

(8) For expenses necessary to implement the Port Infrastructure Development Program, as authorized under section 54101 of title 46, United States Code, $750,000,000, to remain available until expended, except that no such funds authorized under this title for this program 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 of Transportation determines such equipment would result in a net loss of jobs within a port or port terminal. If such a determination is made, the data and analysis used in such determination shall be reported to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 3 days after the date of the determination.
(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated—

(1) pursuant to the authority provided in paragraphs (1)(A), (2)(A), and (4)(A) of subsection (a) shall remain available through September 30, 2023; and

(2) pursuant to the authority provided in paragraphs (1)(B), (2)(C), (2)(D), (2)(E), (2)(F), and (2)(G) of subsection (a) shall remain available without fiscal year limitation.

(c) TANKER SECURITY FLEET.—

(1) In section 53411 of title 46, United States Code, is amend by striking "$50,000,000" and inserting "$120,000,000".

(2) INCREASE IN NUMBER OF VESSELS.—Section 5323 of title 46, United States Code, is amended by striking "10" and inserting "20".

Subtitle B—General Provisions

SEC. 3511. STUDY TO INFORM A NATIONAL MARITIME STRATEGY.

(a) IN GENERAL.—The Secretary of Transportation and the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with a studies and analysis federally funded research and development center under which such federally funded research and development center shall conduct a study under which such federally funded research and development center shall conduct a study the key elements and objectives needed for a national maritime strategy. The strategy shall address national objectives, as described in section 50101 of title 46, United States Code, to ensure—

(1) a capable, commercially viable, militarily useful fleet of a sufficient number of merchant vessels documented under chapter 121 of title 46, United States Code;

(2) a robust United States mariner workforce, as described in section 50101 of title 46, United States Code;

(3) strong United States domestic shipbuilding infrastructure, and related shipbuilding trades amongst skilled workers in the United States; and

(4) that the Navy Fleet Auxiliary Force, the National Defense Reserve Fleet, the Military Sealift Command, the Maritime Security Program under chapter 531 of title 46, United States Code, the Tanker Security Program under chapter 534 of title 46, United States Code, and the Cable Security Program under chapter 537 of title 46, United States Code, could be used most effectively to further maintain and grow a United States-documented fleet and the identification of other incentives that could be used to further maintain and grow a United States-documented fleet at the time of the study;

(b) IN INPUT.—In carrying out the study, the department in which the Coast Guard is operating and the Secretary of the department in which the Coast Guard is operating shall solicit input from—

(1) relevant Federal departments and agencies;

(2) nongovernmental organizations;

(3) United States companies;

(4) maritime labor organizations;

(5) commercial industries that depend on United States maritime commerce;

(6) strong United States maritime domestic shipbuilding infrastructure, and related shipbuilding trades amongst skilled workers in the United States; and

(7) providers of maritime workforce training; and

(c) ELEMENTS OF THE STUDY.—The study conducted under subsection (a) shall include consultation with the Department of Transportation, the Department of Commerce, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies, in the identification and evaluation of—

(1) incentives, including regulatory changes, needed to continue to meet the shipbuilding and ship maintenance needs of the United States for commercial and national security purposes, including through a review of—

(A) the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the development of new offshore commercial industries, such as renewable energy development and the development of compliance of such program or other Federal programs, and also support the United States sealift in the future;

(B) the participation in the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the program may be improved to facilitate the shipbuilding and ship maintenance activities in the United States;

(C) the needed resources, human and financial, for such incentives; and

(d) the current and anticipated number of shipbuilding and ship maintenance contracts at United States shipyards through 2032, to the extent practicable; and

including regulatory changes, needed to maintain a commercially viable United States-documented fleet, which shall include—

(A) an examination of how the preferences under section 2631 of title 10, United States Code, and chapter 533 of title 46, United States Code, the Maritime Security Program under chapter 534 of title 46, United States Code, the Tanker Security Program under chapter 534 of title 46, United States Code, and the Cable Security Program under chapter 537 of title 46, United States Code, should be used to further maintain and grow a United States-documented fleet and the identification of other incentives that could be used to further maintain and grow a United States-documented fleet at the time of the study;

(B) an estimate of the number and type of commercial ships needed over the next 30 years; and

(C) estimates of the needed human and financial resources for such incentives;

(3) the availability of United States mariners and future needs, including—

(A) the number of mariners needed for the United States commercial and national security needs over the next 30 years;

(B) the principles and programs (at the time of the study) to recruit, train, and retain United States mariners to support the United States commercial and national security workforce needs during peace time and at war;

(C) how those programs could be improved to grow the number of maritime workers trained each year, including how potential collaborations with other Federal and non-Federal organizations could be used to improve those programs, trains and retains United States mariners to support the United States commercial and national security workforce needs during peace time and at war;

and

(b) PUBLIC AVAILABILITY.—The study conducted under section 3511, the Secretary of the department in which the Coast Guard is operating, and the Commander of the United States Transportation Command, shall—

(1) update the national maritime strategy required by section 603 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281);

(2) submit a report to Congress containing the updated national maritime strategy; and

(3) make the updated national maritime strategy publicly available on the website of the Department of Transportation.

(d) SEC. 3512. NATIONAL MARITIME STRATEGY.

(a) IN GENERAL.—Not later than 6 months after the date of receipt of the study conducted under section 3511, and every 5 years thereafter, the Secretary of Transportation, in consultation with the Secretary of the Department of Commerce, the Secretary of the Department of Defense, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies, in the identification and evaluation of—

(1) incentives, including regulatory changes, needed to continue to meet the

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Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a national maritime strategy.

(b) CONSERVATION—The strategy required under subsection (a) shall—

(1) identify—

(A) international policies and Federal regulations and policies that reduce the competitiveness of United States-documented vessels with foreign vessels in domestic and international transportation markets; and

(B) any other relevant organizations.

(2) include recommendations to—

(A) make United States-documented vessels more competitive in shipping routes between United States and foreign ports;

(B) increase the use of United States-documented vessels to carry cargo imported to and exported from the United States;

(C) enhance compliance by Federal agencies with chapter 533 of title 46, United States Code;

(D) increase the use of short sea transportation routes, including routes designated under section 53501 of title 46, United States Code, to enhance intermodal freight movements;

(E) enhance United States shipbuilding capacity;

(F) increase the resilience of ports and the maritime transportation system;

(G) enhance workforce training and recruitment for the maritime workforce, including ensuring innovative physical and information technologies;

(H) increase the competitiveness of United States ships more competitive in shipping routes between United States and foreign ports; and

(3) increase the carriage of government-impeled cargo on United States-documented vessels pursuant to chapter 533 of title 46, United States Code, section 2631 of title 10, United States Code, or otherwise; and

(J) maximize the cost effectiveness of Federal funding for carriage of non-defense government impelled cargo for the purposes of maintaining a United States Maritime Strategy for national and economic security.

(c) UPDATE.—Not later than 6 months after the date of receipt of the study conducted under section 3511, the Secretary of Transportation, in consultation with the Secretary of the Department in which the Coast Guard is operating and the Commander of the United States Transportation Command, shall—

(1) update the national maritime strategy required by section 603 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281);

(2) submit a report to Congress containing the updated national maritime strategy; and

(3) make the updated national maritime strategy publicly available on the website of the Department of Transportation.

(d) SEC. 3513. NEGATIVE DETERMINATION NOTICE.

Section 501(b)(3) of title 46, United States Code, is amended by striking "and" after the semicolon;
(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and
(3) by adding at the end the following:
"(D) in the event a waiver referred to in paragraph (1) is not issued, publish an explana-
tion for not issuing such waiver on the Internet Web site of the Department of Transpor-
tation not later than 48 hours after notice is provided to the Secretary of Transportation, including applicable findings to support the determina-
tion.".

Subtitle C—Maritime Infrastructure

SEC. 3521. MARINE HIGHWAYS.

(a) SHORT TITLE.—This section may be cited as the "Marine Highway Promotion Act".

(b) FINDINGS.—Congress finds the fol-
lowing:

(1) Our Nation’s waterways are an integral part of the transportation network of the United States.

(2) Using the Nation’s coastal, inland, and other waterways can support commercial trans-
portation, can provide maritime trans-
portation options where no alternative sur-
face transportation exists, and alleviates surface transportation congestion and bur-
denous transportation repair costs.

(3) Marine highways are serviced by docu-
mented United States flag vessels and manned by United States citizens, providing added resources for national security and to aid in times of crisis.

(4) According to the United States Army Corps of Engineers, inland navigation is a key element of economics development and is essential in maintaining economic com-
petitiveness and national security.

(c) UNITED STATES MARINE HIGHWAY PRO-
GRAM.

(1) IN GENERAL.—Section 55601 of title 46, United States Code, is amended to read as follows:

"§ 55601. United States Marine Highway Pro-
gram

(1) PROGRAM.—

(A) ESTABLISHMENT.—The Maritime Ad-
ministrator shall establish a Marine High-
way Program to be known as the 'United States Marine Highway Program'. Under such program, the Maritime Administrator shall—

(i) designate marine highway routes as extensions of the surface transportation sys-
tem under subsection (b); and
(ii) determine the availability of appropri-
ations, make grants or enter into con-
tacts or cooperative agreements under sub-
section (c).

(B) PROGRAM ACTIVITIES.—In carrying out the Marine Highway Program established under paragraph (1), the Maritime Admin-
istrator may—

(i) coordinate with ports, State depart-
ments of transportation, localities, other public agencies, and the private sector on the development of landside facilities and in-
frastucture to support marine highway transportation;

(ii) develop performance measures for such Marine Highway Program;

(iii) collect and disseminate data for the designation and delineation of marine high-
way routes under subsection (b); and

(iv) conduct research on solutions to im-
pediments to marine highway services eligible for assistance under subsection (c)(1).

(R) DESIGNATION OF MARINE HIGHWAY ROUTES.—

(A) AUTHORITY.—The Maritime Admin-
istrator may designate or modify a marine high-
way route as an extension of the surface transportation system if—

(i) a designation or modification is re-
quested by—

(A) the government of a State or territory;

(B) a metropolitan planning organization;

(C) a port authority;

(D) a non-Federal navigation district; or

(E) a Tribal government; and

(B) the Maritime Administrator deter-
mines such marine highway route satisfies at least one covered function under sub-
section (d).

(2) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for designa-
tion or modification of a marine highway route under paragraph (1), the Maritime Ad-
ministrator shall make a determination of whether to make the requested designation or modification.

(3) NOTIFICATION.—Not later than 14 days after the date on which the Maritime Admin-
istrator makes the determination whether to make the requested designation or modifica-
tion, the Maritime Administrator shall send the requester a notification of the deter-
mination.

(4) STILL MORE.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2013, and any subsequent dates on which a marine highway route is designated or modified, the Administrator shall make publicly available a map showing the location of marine highway routes, including such routes along the coasts, in the inland waterways, and at sea.

(b) COORDINATION.—The Administrator shall coordinate with the National Oceanic and Atmospheric Administration to incor-
porate the map into the Marine Cadastre.

(c) ASSISTANCE FOR MARINE HIGHWAY SERVICES.—

(1) IN GENERAL.—The Maritime Admin-
istrator may make grants to, or enter into con-
tacts or cooperative agreements with, an eligible entity to implement a mar-
ine highway service or component of a marine highway service, if the Administrator deter-
mines the service—

(i) satisfies at least one covered function under subsection (d);

(ii) uses vessels documented under chap-
ter III of this title; and

(iii) implements strategies developed under section 55603; or

(iv) makes, expands, or promotes—

(A) marine highway transportation serv-
ices; or

(B) shippers utilization of marine highway transportation.

(2) ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

(A) a State, a political subdivision of a State, or a local government;

(B) an eligible entity in accordance with section (c) of the United States metropolitan plan-
ning organization;

(C) a United States port authority;

(D) a Tribal government in the United States; or

(E) a United States private sector opera-
tor of marine highway services or private sector owners of facilities with an endorse-
cement by the Secretary of the Interior for a marine highway route, as described under section 55602(b)(1)(A), in-
cluding an Alaska Native Corporation.

(3) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant or enter into a contract or coopera-
tive agreement under this subsection to im-
plement a marine highway service, an eligi-
ble entity shall submit an application in such form and manner, at such time, and con-
taining such information as the Maritime Administrator may require, including—

(i) a concise description of—

(A) the regions to be served by the marine high-
way service;

(B) the marine highway route that the service will use, which may include connec-
tion to existing or planned transportation infrastructure and intermodal facilities, key navigational factors such as available draft, channel width, bridge air draft, or lock clear-
ance, and any foreseeable impacts on naviga-
tion or commerce, and a map of the proposed route; and

(B) the estimated number of passengers, if applicable, or cargo using the service, and predicted changes in such volume during the 5-year period following the date of the applica-
tion;

(V) the need for the service;

(VI) the definition of the success goal for the service, such as volumes of cargo or pas-
sengers moved, or contribution to environ-
mental mitigation, safety, reduced vehicle miles traveled, or reduced maintenance and repair costs;

(VII) the methodology for implementing the service, including a description of the proposed operational framework of the serv-
ices, including the original, any intermediate stops on the route, transit times, vessel types, and service frequency; and

(VIII) any existing programs or arrange-
ments that can be used to supplement or le-
verage assistance under the program; and

(B) the demonstration, to the satisfaction of the Administrator, that the Marine Admin-
istrator may make grants to, or enter into con-
tacts or cooperative agreements with, an eligible entity from submitting a pre-proposal.

(4) GRANT APPLICATION FEEDBACK.—Fol-
lowing the award of grants for a particular fiscal year concerned.

(5) GRANT APPLICATION FEEDBACK.—For the fiscal year concerned.

(6) GRANT APPLICATION FEEDBACK.—For the fiscal year concerned.

(c) INTERIM ASSISTANCE.

(1) IN GENERAL.—To be eligible to receive—

(A) an assistance under paragraph (1), the Maritime Administrator shall—

(B) collect and disseminate data for the

(C) PRE-PROPOSAL FEEDBACK.—Not later than 30 days after receiving a pre-proposal, the Maritime Administrator shall provide feedback to the entity that sub-
mitted the pre-proposal to encourage or dis-
courage the eligible entity from submitting a full application. Alternatively, the Administr-
er may still submit a full application even if the 
eligible entity is not encouraged to do so after submitting a pre-proposal.

(2) TIMING OF GRANT NOTICE.—The Mar-
itime Administrator shall post a Notice of Funding Opportunity regarding grants, con-
tacts, or cooperative agreements under this subsection not more than 60 days after the date of enactment of the appropriations Act for the fiscal year concerned.

(3) GRANT APPLICATION FEEDBACK.—Pol-
licy governing the award of grants for a particular fiscal year, the Maritime Administrator may provide feedback to applicants to help appli-
cants improve future applications if the feed-
back is requested by that applicant.

(4) TIMING OF GRANTS.—The Maritime Ad-
ministrator shall award grants, contracts, or cooperative agreements under this sub-
section not later than 270 days after the date of enactment of the appropriations Act for the fiscal year concerned.

(5) NON-FEDERAL SHARE.—In general, the applicant shall provide not less than 20 percent of the costs from non-Federal sources, except as provided in subparagraph (B).

(d) TERRITORIAL AND RURAL AREAS.—The Mar-
itime Administrator may increase the Fed-
eral share of service costs above 80 percent
(c) Tribal Government.—The Maritime Administrator may increase the Federal share of approved costs such as those incurred for a service benefitting a Tribal Government.

(2) Final Rule.—Not later than 1 year after the date of enactment of this title, the Secretary of Transportation shall prescribe such regulations as may be necessary to carry out the amendments made by this subsection.

(b) Interstate Rules.—The Secretary of Transportation may prescribe temporary interim and final rules to carry out the amendments made by this section. For this purpose, the Maritime Administrator, in prescribing rules under this subparagraph, is excepted from the notice and comment requirements of section 553 of title 5, United States Code, prior to the effective date of the interim rules. All interim rules prescribed under this subparagraph shall request comment and remain in effect until such time as the interim rules are superseded by a final rule, following notice and comment.

(c) Savings Clause.—The requirements under section 56001 of title 46, United States Code, as amended by this subsection, shall take effect only after the interim rule described in subparagraph (b) is promulgated by the Secretary.

(d) Multistate, State, and Regional Transportation Planning.

(a) In General.—The Maritime Administrator, in consultation with the heads of other appropriate Federal departments and agencies, may—

(1) assess the extent to which States and local governments include marine highway transportation in their transportation plans;

(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate marine highway transportation into the State's transportation planning and development program;

(3) promote coordination of States and multistate transportation entities to determine how marine highway transportation can address congestion, bottlenecks, and other intermodal transportation challenges, including the lack of alternative surface transportation options.

(b) Definitions.—

(1) the term ‘marine highway transportation’ means a service provided on a route in which all or part of the freight and passengers are transported on a vessel;

(2) the term ‘marine highway service’ means a planned or contemplated new service, or expansion of an existing service, on a marine highway route, that seeks to provide new modal choices to shippers, offer more dependable service, reduce transportation costs, or provide public benefits;

(3) the term ‘marine highway route’ means a route on commercially navigable coastal, inland, or international waters within the United States, including connections between the United States and a port in Canada or Mexico, that is designated under section 56001(b); and

(4) the term ‘Tribal Government’ means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, or community, or an entity or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2023 pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131); and

(5) the term ‘Alaska Native Corporation’ has the meaning given the term ‘Native Corporation’ under section 104(d)(6) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)."

(g) Technical Amendments.—

(1) in the term ‘Maritime Administration’ under section 55601 of title 46, United States Code, is amended—

(A) by striking the item relating to section 56001 and inserting the following:

‘‘56001. United States Marine Highway Program.’’;

(B) by inserting after the item relating to section 55602 the following:

‘‘55603. Multistate, State, and regional transportation planning.’’; and

(C) by striking the item relating to section 55605 and inserting the following:

‘‘55605. Definitions.’’

(2) Definitions.—Section 55601 of title 46, United States Code, is amended in paragraph (5)(A) by striking the item relating to section 55605 of title 46, United States Code, amended as follows: ‘‘

(a) in clause (1), by inserting ‘and’ after the semicolon; and

(b) by striking clause (iii).”

SEC. 3522. GAO REVIEW OF EFFORTS TO SUPPORT AND GROW THE UNITED STATES MERCHANT FLEET.

Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that examines United States Government efforts to promote the growth and
modernization of the United States maritime industry, and the vessels of the United States, as defined in section 116 of title 46, United States Code, including the overall ef-
ficacy of United States Governmental aid, finan-
cial policies, and programs; and local, Tribal, and ity, indirect state support, and or other such support, as determined by the Under Secretary; and and the level of Federal involvement in such efforts.

(2) The extent to which the Department of Transportation, other Federal agencies, or State, local, and Tribal agencies are working in line with recent recommendations from key resiliency reports, including the National Academies of Science study on strengthening supply chain resilience, to estab-
lish a framework for ports to follow to in-
crease resiliency to major weather-related disrup-
tions before they happen.

(3) With the Department of Transportation or other Federal agencies hav-

(4) The extent to which Federal agencies have had a coordinated approach to helping ports and the multiple State, local, Tribal, and private stakeholders involved, to improve re-

(5) A description of the type of support pro-
vided by a foreign state described in sub-
section (a), including tax relief, direct pay-
ment, indirect support of state-controlled fi-
nancial entities, or other such support, as de-

(6) A description of the type of support pro-
vided by a foreign state described in sub-
section (a) may be disadvantaging the com-
petitiveness of vessels documented under the laws of the United States, or are engaged in foreign commerce and the national security of the United States.

SEC. 3524. STUDY ON FOREIGN INVESTMENT IN SHIPPING.

(a) Assessment.—Subject to appropri-
ations, the Under Secretary of Commerce for International Trade (referred to in this sec-
tion as the “Under Secretary”) in coordina-
tion with the Department of Homeland Security, the Fed-
eral Maritime Commission, the Maritime Administra-
tor, and other relevant agencies shall conduct an assessment of subsidies, indirect state support, and other financial infrastructure or benefits provided by foreign states that control more than 1 percent of the world merchant fleet to entities or individuals building, owning, chartering, operating, or financing vessels not documented under the laws of the United States that are engaged in foreign com-
merce.

(b) Report.—Not later than 1 year after the date of enactment of this section, the Under Secretary shall submit to the appro-

(1) the amount, in United States dollars, of such support provided by a foreign state de-

(2) submit, not later than 1 year after the date of enactment of this title, an unclassi-

SEC. 3525. GAO REVIEW OF FEDERAL EFFORTS TO ENHANCE PORT INFRASTRUCTURE RESILIENCY AND DISASTER PREPARATION.

Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-
tives that examines Federal efforts to assist ports in enhancing the resiliency of their key intermodal connectors to weather-re-
corded in subsection (a) shall include—

(1) information about the existing United States infrastructure, in particular the stor-
age facilities, bunkering vessels, and trans-
fer systems to support bunkering facilities for liquefied natural gas, hydrogen, ammo-
nia, or other new marine fuels under develop-
ment;

(2) a review of the needed upgrades to United States infrastructure, including stor-
age facilities, bunkering vessels, and trans-
fer systems, bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development.

(3) if determined necessary by the Admin-
istrator, the Secretary of Homeland Secu-

(4) a description of the type of support pro-
vided by a foreign state described in sub-
section (a), including tax relief, direct pay-
ment, indirect support of state-controlled fi-
nancial entities, or other such support, as determined by the Under Secretary; and

(5) a description of how the subsidies pro-
vided by a foreign state described in sub-
section (a) may be disadvantaging the com-
petitiveness of vessels documented under the laws of the United States, or are engaged in foreign commerce and the national security of the United States.

(c) Definitions.—In this section:

(1) Foreign commerce.—The term “foreign commerce” means—

(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country;

(B) commerce or trade between foreign countries;

(C) commerce or trade within a foreign country.

(D) Foreign state.—The term “foreign state” has the meaning given the term in section 1603(a) of title 28, United States Code.

(2) Shipping industry.—The term “ship-
ning industry” means the construction, own-
manship, operation, and financing of vessels engaged in foreign commerce.

SEC. 3525. REPORT REGARDING ALTERNATE MARINE FUEL BUNKERING FACILITIES AT PORTS.

(a) In general.—Not later than 1 year after the date of enactment of this title, the Maritime Administrator, in coopera-
tion with the Federal Maritime Commission, and other relevant agencies, shall conduct an assessment of the necessary port-related infrastructure needed to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development. The Maritime Administrator shall publish the re-
port on a publicly available website.

(b) Contents.—The report described in sub-
section (a) shall include—

(1) information about the existing United States infrastructure, in particular the stor-
age facilities, bunkering vessels, and trans-
fer systems to support bunkering facilities for liquefied natural gas, hydrogen, ammo-
nia, or other new marine fuels under develop-
ment;

(2) an assessment of the estimated Govern-
ment investment in this infrastructure and the duration of that investment; and

(3) a description of the type of support pro-
vided by a foreign state described in sub-
section (a), including tax relief, direct pay-
ment, indirect support of state-controlled fi-
nancial entities, or other such support, as determined by the Under Secretary; and

SEC. 3526. STUDY OF CYBERSECURITY AND NA-
TIONAL SECURITY THREATS POSED BY FOREIGN MANUFACTURED CRANES AT UNITED STATES PORTS.

The Administrator of the Maritime Adminis-
tration shall—

(1) conduct a study, in consultation with the Under Secretary of Homeland Security, the Secretary of Defense, and the Director of the Cybersecurity and Infrastructure Security Agency, to assess whether there are cybere-
security threats posed by foreign manufac-
tured cranes at United States ports;
States citizen mariners sufficient to meet the operational requirements of low and zero emission vessels. Implementation of the strategy shall aim to increase the supply of trained United States citizen mariners sufficient to meet the needs of the maritime industry and ensure continued investment in training for mariners serving on conventional vessels.

(b) REPORT.—Not later than 6 months after the date the Secretary of Transportation determines that there is commercially viable technology for zero emission vessels, the Secretary of Transportation shall—

(1) submit a report on the strategy developed under subsection (a) and plans for its implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make such report publicly available.

SEC. 3534. IMPROVING PROTECTIONS FOR MIDSHIPMEN ACT.

(a) SHORT TITLE.—This section may be cited as the “Improving Protections for Midshipmen Act.”

(b) SUSPENSION OR REVOCATION OF MERCHANT MARINER CREDENTIALS FOR PERPETRATORS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT.—

(1) IN GENERAL.—? Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

“§ 7704a. Sexual harassment or sexual assault as grounds for suspension or revocation

(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 10 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual harassment, then the license, certificate of registry, or merchant mariner’s document shall be revoked.

(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, then the license, certificate of registry, or merchant mariner’s document shall be revoked.

(1) IN GENERAL.—The term ‘substantiated claim’ means—

(A) a legal proceeding or agency action in any state or federal court, proceeding that determines the individual committed sexual harassment or sexual assault in violation of any Federal, State, local, or Tribal law or regulation, and any appeals have been exhausted, as applicable; or

(B) a determination after an investigation by the Coast Guard that it is more likely than not that a federal or state court, proceeding that determined the individual committed sexual harassment or sexual assault as defined in subsection (a); if the determination affords appropriate due process rights to the subject of the investigation.

(2) ADDITIONAL REVIEW.—A license, certificate of registry, or merchant mariner’s document shall not be suspended or revoked under subsection (a) or (b) unless the substantiated claim is reviewed and affirmed, in accordance with the applicable definition in subsection (d), if the determination affords appropriate due process rights to the subject of the investigation.

(3) ADDITIONAL REVIEW.—A license, certificate of registry, or merchant mariner’s document shall not be suspended or revoked under subsection (a) or (b); and

(c) DATA-INFORMED DECISIONMAKING.—The Maritime Administrator shall provide for the establishment of an in-person and virtual confidential exit interview, to be conducted by personnel who are not involved in the assignment of the midshipmen to a Sea Year vessel, for midshipmen from the Academy upon completion of Sea Year and following completion by the midshipmen of the survey under section 51229(d).

(d) SUPPORTING THE UNITED STATES MERCHANT MARINE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“(i) § 51325. Sexual assault and sexual harassment prevention information management system.

(a) INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall establish an information management system to track and maintain, in such a manner that patterns can be reasonably identified, information regarding claims and incidents involving cadets that are reportable pursuant to subsection (d) of section 51318 of this chapter.

(2) INFORMATION MAINTAINED IN THE SYSTEM.—Information maintained in the system shall be an incident, in the extent that information is available:

(A) The overall number of sexual assault or sexual harassment incidents per fiscal year;

(B) The location of each such incident, including vessel name and the name of the company operating the vessel, if applicable;

(C) The type of inquiry made into each incident reported in the system;

(D) The general nature of each such incident, including the number of cadets involved in each incident.

(e) REGULATIONS.—The Secretary of the Department in which the Coast Guard is operating may issue further regulations as necessary to update the definitions in this section.

(f) FRAUDULENT REPORTING.—Nothing in this section shall be construed to preclude any appropriate criminal or administrative action against any individual who makes any false statement in any application, report, or record filed with the Maritime Administrator.

(g) CONFIDENTIALITY.—The Maritime Administrator shall ensure compliance with applicable Federal, State, local, or Tribal law or regulation regarding privacy and confidentiality of information maintained in the information management system.

(h) RECORDS.—The Maritime Administrator shall ensure that the information management system, the Office of Inspector General, and the Department of Transportation of the United States shall be required to maintain the privacy of any individuals whose information is entered in such system.

(i) CYBERSHARERRY AUDIT.—Not more than 20 years after the implementation of the information management system, the Office of Inspector General of the Department of Transportation shall commence an audit of the cybersharing system to ensure that such system is functioning effectively and is designed and maintained in a secure fashion to protect the privacy of any individuals whose information is entered in such system.

(j) PRIVACY PROTECTIONS.—The Chief Information Officer of the Maritime Administrator shall create a process to ensure that if any incident report results in a final agency action or final judgment that accrues an individual or wronged defendant personally identifiable information about the acquitted individual is removed from that incident report in the system.

(k) SEA YEAR.—Not later than January 1, 2023, the Maritime Administrator shall provide for the establishment of an in-person and virtual confidential exit interview, to be conducted by personnel who are not involved in the assignment of the midshipmen to a Sea Year vessel, for midshipmen from the Academy upon completion of Sea Year and following completion by the midshipmen of the survey under section 51229(d).

(l) DATA-INFORMED DECISIONMAKING.—The data maintained in the data management system under subsection (b) shall be affinely referenced and used to inform the creation of new policy or regulation, or changes to any existing policy or regulation, in the areas of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

(m) STUDENT ADVISORY BOARD.—Under section 51296 of this title, the term ‘Advisory Board’ shall be defined to mean the Advisory Board to the Maritime Administrator.

(n) APPOINTMENT.—The Maritime Administrator shall establish the Advisory Board of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, in addition to data collected after January 1, 2023.

(o) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, in addition to data collected after January 1, 2023.

(p) APPOINTMENT.—The Maritime Administrator shall establish the Advisory Board of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, in addition to data collected after January 1, 2023.

(q) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, in addition to data collected after January 1, 2023.

(r) APPOINTMENT.—The Maritime Administrator shall establish the Advisory Board of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, in addition to data collected after January 1, 2023.

(s) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, in addition to data collected after January 1, 2023.

(t) APPOINTMENT.—The Maritime Administrator shall establish the Advisory Board of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, in addition to data collected after January 1, 2023.
§ 51327. Sexual Assault Advisory Council

(a) Review—The Secretary of Transportation shall establish a Sexual Assault Advisory Council (hereafter referred to as the ‘Council’) to:

(1) identify health and wellbeing, diversity, and sexual assault and harassment challenges and other topics considered important by the Advisory Board facing midshipmen at the Merchant Marine Academy, off campus, and while aboard ships during Sea Year or other training opportunities;

(2) discuss and propose possible solutions, including improvements to culture and leadership development at the Merchant Marine Academy; and

(3) after annually reviewing the efficacy of the program in section 51325(b), as appropriate, provide recommendations to the Maritime Administrator for improvement.

(b) Working Groups—The Advisory Board shall establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups composed in part of midshipmen at the Merchant Marine Academy who are not current members of the Advisory Board.

(c) Reporting Requirements—The Advisory Board shall report to the President and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on the activities of the Advisory Board.

(d) Meetings—The Advisory Board shall meet with the Secretary of Transportation not less than once each academic year to discuss the activities of the Advisory Board. The Advisory Board shall meet in person with the Maritime Administrator not less than 2 times each academic year to discuss the activities of the Advisory Board.

(e) Duties; Authorized Activities—In carrying out its duties, the Council shall:

(1) conduct case reviews, as appropriate and only with the consent of the victim of sexual assault or harassment;

(2) interview current and former midshipmen of the United States Merchant Marine Academy (to the extent that such midshipmen provide the Department of Transportation to protect personally identifiable information);

(3) create an option for midshipmen to obtain assistance from a professional care provider virtually; and

(4) conduct such case reviews.

(f) Authorized Activities—To carry out this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

(g) Employee Status—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation. "Employee" means an employee of the Federal Government or an agent of the Federal Government.

(h) United States Merchant Marine Academy—The Maritime Administrator shall:

(1) require a biannual survey of midshipmen, faculty, and staff of the Academy assessing the inclusiveness of the environment of the Academy; and

(2) establish a tracking system for suicidal midshipmen, which excludes personally identifiable information.

(i) Reports—Not later than 1 year after the date of enactment of this section, the Maritime Administrator shall provide Congress with a report on the resources necessary to properly implement this subsection.

(j) Special Victims Advisor—Section 51319 of title 46, United States Code, is amended—

(1) by redesignating subsection (a) as subsection (b); and

(2) by inserting after subsection (b) the following:

‘(c) Special Victims Advisor.—The Secretary shall designate an attorney (to be known as the ‘Special Victims Advisor’) for the purpose of providing legal assistance to any cadet of the Academy who is the victim of an alleged sex-related offense, administrative and criminal proceedings related to such offense, regardless of whether the report of such offense is restricted or unrestricted.

(3) Special Victims Advisor—The Secretary shall—

(1) require a biannual survey of midshipmen, faculty, and staff of the Academy assessing the inclusiveness of the environment of the Academy.

(2) establish a tracking system for suicidal midshipmen.

(3) by adding at the end the following:

‘(e) Unfilled Vacancies.—The Administrator of the Maritime Administration may appoint qualified candidates to positions under subsections (a) and (d) of this section without regard to sections 3309 through 3319 of title 5.’; and

(4) by adding at the end the following:

‘(l) Catch a Serial Offender Assessment.—

(1) Assessment.—Not later than 1 year after the date of enactment of this section, the Commander of the Coast Guard, in coordination with the Maritime Administrator, shall conduct an assessment of the feasibility and process necessary, and appropriate responsible entities to establish a program for the United States Merchant Marine Academy and United States Merchant Marine Academy and United States Coast Guard, and the exit interviews under subsection (b) of this section.'
SECTION 5356. MARITIME TECHNICAL ADVANCEMENT ACT

(a) SHORT TITLE.—This section may be cited as the “Maritime Technical Advancement Act.”

(b) CENTERS OF EXCELLENCE FOR DOMESTIC MARITIME WORKFORCE.—Section 51706 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “Transportation”;

(2) in subsection (b), in the subsection heading, by striking “ASSISTANCE” and inserting “COOPERATIVE AGREEMENTS”;

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

(4) in subsection (d), as redesignated by paragraph (2), by adding at the end the following:

“(c) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.”.

(5) by inserting after subsection (b) the following:

“(B) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution that has a demonstrated record of success in training and includes appropriate scenario-based training.”

(6) by adding at the end the following:

“(C) R egistered Apprenticeship Program.—The term ‘registered apprenticeship program’ means a program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency that is registered with the Office of Apprenticeship pursuant to the Act of August 18, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 684, chapter 663; 29 U.S.C. 50 et seq.).

(1) United States maritime industry.—The term ‘United States maritime industry’ means all segments of the maritime-related transportation industry of the United States, both in domestic and foreign trade, and in coastal, offshore, and inland waters, as well as non-commercial maritime activities, such as pleasure boating and marine sciences (including all scientific research vessels), and all of the industries that support or depend upon such uses, including—

(i) vessel construction and repair;

(ii) vessel operations;

(iii) ship logistics supply;

(iv) berthing;

(v) port operations;

(vi) port intermodal operations;

(vii) marine terminal operations;

(viii) vessel design;

(ix) marine financing;

(x) offshore wind construction, operation, and repair; and

(xi) maritime research and development.

(2) Grant program.—The term ‘grant program’ means a grant program that includes a detailed description of—

(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that is suited to maritime industry workers;

(ii) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of maritime workers in the community served by the eligible institution, particularly any individuals with a barrier to employment;

(iii) the extent to which the project for which the grant proposal is submitted fits within any overall strategic plan developed by an eligible community; and

(iv) any previous experience of the eligible institution in providing maritime educational or career training programs.

(3) Required Information.—Before submitting a grant proposal under this subsection—

(a) the applicant shall include a detailed description of—

(i) the extent to which the project for which the grant proposal is submitted fits within any overall strategy developed by an eligible community; and

(ii) any previous experience of the eligible institution in providing maritime educational or career training programs.

(4) Grant program.—Before submitting a grant proposal under clause (1), the applicant shall include a detailed description of—

(i) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of maritime workers in the community served by the eligible institution, particularly any individuals with a barrier to employment; and

(ii) the extent to which the project for which the grant proposal is submitted fits within any overall strategy developed by an eligible community; and

(iv) any previous experience of the eligible institution in providing maritime educational or career training programs.

(5) Authorizing Committee.—In determining whether a grant program is eligible under clause (1), the Officer shall consider—

(a) any previous experience of the eligible institution in providing maritime educational or career training programs.

(6) Grant program.—Before submitting a grant proposal under clause (2), the applicant shall include a detailed description of—

(i) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of maritime workers in the community served by the eligible institution, particularly any individuals with a barrier to employment; and

(ii) the extent to which the project for which the grant proposal is submitted fits within any overall strategy developed by an eligible community; and

(iv) any previous experience of the eligible institution in providing maritime educational or career training programs.
“(III) the extent to which employers, including small- and medium-sized firms within the community, have expressed an interest in employing workers who would benefit from training; and for which the grant proposal is submitted.

“(5) CRITERIA FOR AWARD OF GRANTS.—Subject to the appropriation of funds, the Administrator shall award a grant under this subsection based on—

“(A) a determination of the merits of the grant proposal submitted by the eligible institution in providing maritime educational or career training programs to be made available to workers who complete a maritime educational or career training program that the eligible institution proposes to develop, offer, or improve;

“(B) an evaluation of the likely employment opportunities available to workers who complete a maritime educational or career training program that the eligible institution proposes to develop, offer, or improve;

“(C) an evaluation of prior demand for training programs by workers in the community served by the eligible institution, as well as the availability and capacity of existing maritime training programs to meet future demand for training programs;

“(D) any prior designation of an institution as a Center of Excellence for Domestic Maritime Workforce Training and Education; and

“(E) an evaluation of the previous experience of the eligible institution in providing maritime educational or career training programs.

“(6) COMPETITIVE AWARDS.—

“(A) IN GENERAL.—The Administrator shall award grants under this subsection to eligible institutions on a competitive basis in accordance with guidelines and requirements established by the Administrator under paragraph (2)(B).

“(B) TIMING OF GRANT NOTICE.—The Administrator shall post a Notice of Funding Opportunity regarding grants awarded under this subsection not more than 90 days after the date of enactment of the appropriations Act for the fiscal year concerned.

“(C) TIMING OF GRANTS.—The Administrator shall award grants under this subsection not later than 270 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

“(D) APPLICATION OF REQUIREMENTS.—The requirements under subparagraphs (B) and (C) shall not apply until the guidelines and requirements under paragraph (2)(B) have been promulgated.

“(E) URT OF UNEXPENDED GRANT FUNDS.—Notwithstanding subparagraph (C), amounts awarded as a grant under this subsection that are not expended by the grantee shall remain available to the Administrator for use for grants under this subsection.

“(F) ADMINISTRATIVE COSTS.—Not more than 3 percent of amounts made available to carry out this subsection may be used for the necessary costs of grant administration.

“(G) ELIGIBLE USES OF GRANT FUNDS.—An eligible institution receiving a grant under this section shall—

“(A) shall carry out activities that are identified as priorities for the purpose of developing, offering, or improving educational or career training programs for the United States maritime industry workforce;

“(B) shall provide training to upgrade the skills of the United States maritime industry workforce, including training to acquire covered requirements as well as technical skills training for jobs in the United States maritime industry; and

“(C) shall use the grant funds to—

“(i) admit additional students to maritime training programs;

“(ii) develop, establish, and annually update the capacity, content, and delivery mechanisms to quickly upgrade skills and perform assessments of merchant mariners during time of war or a national emergency, and to increase credentials for domestic or defense needs where training can decrease the gap in the numbers of qualified mariners for seafaring, or

“(iii) provide services to upgrade the skills of United States offshore wind marine service workers who transport, install, operate, or maintain offshore wind components and turbines, including training, curriculum and career pathway development, on-the-job training, safety and high training throughput;

“(iv) expand existing or create new maritime training programs, including through partnerships and memoranda of understanding with—

“(I) 4-year institutions of higher education;

“(II) labor organizations;

“(III) registered apprenticeship programs with the United States maritime industry; or

“(IV) an entity described in clause (I) through (III) that has a memorandum of understanding with 1 or more employers in the maritime industry;

“(v) create new maritime pathways or expand existing maritime pathways;

“(vi) expand existing or create new training programs for transitioning military veterans to careers in the United States maritime industry;

“(vii) expand existing or create new training programs that address the needs of individuals with a disability to employment, as determined by the Secretary in consultation with the Secretary of Labor, in the United States maritime industry;

“(viii) purchase, construct, develop, expand, or improve training facilities, buildings, and equipment to deliver maritime training programs;

“(ix) recruit and train additional faculty to expand the maritime training programs offered by the institution;

“(x) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered program;

“(xi) promote the use of distance learning that enables students to take courses through the use of teleconferencing, the Internet, and other media technology;

“(xii) assist other entities to address maritime workforce recruitment and training of youth residing in targeted high-poverty areas, zones and enterprise communities;

“(xiii) implement partnerships with local and national organizations with special expertise in developing, organizing, and administering maritime workforce recruitment and training services;

“(xiv) carry out customized training in conjunction with—

“(I) an existing registered apprenticeship program or a pre-apprenticeship program that articulates to a registered apprenticeship program;

“(II) a paid internship; or

“(III) a joint labor-management partnership;

“(xv) design, develop, and test an array of approaches to providing recruitment, training, or retention services, to enhance diversity, equity and inclusion in the United States maritime industry workforce;

“(xvi) in conjunction with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test the viability of training approaches in order to determine effective practices; or

“(xvii) assist in the development and replication of delivery strategies for the United States maritime industry as a whole.

“(B) PUBLIC REPORT.—Not later than December 15 in each of the calendar years 2023 through 2025, the Administrator shall make available on a publicly available website a report that provides a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study under this section.

“SEC. 3537. STUDY ON CAPITAL IMPROVEMENT PROGRAM AT THE USMMA.

“(a) FINDINGS.—Congress finds the following:

“(1) The United States Merchant Marine Academy campus is nearly 80 years old and many of the buildings have fallen into a serious state of disrepair.

“(2) Except for renovations to student barracks early 2000’s, all of the buildings on campus have exceeded their useful life and need to be replaced or under major renovations.

“(3) According to the Maritime Administration, since 2011, $234,000,000 has been invested in capital improvements on the campus, but partly due to poor planning and cost over-run, maintenance and building replacement backlogs continue.

“(b) STUDY.—The Comptroller General shall conduct a study of the United States Merchant Marine Academy Capital Improvement Program. The study shall include an evaluation of—

“(1) the actions the United States Merchant Marine Academy has taken to bring the buildings, infrastructure, and other facilities on campus up to standards and the further actions that are required to do so; and

“(2) the approach that the United States Merchant Marine Academy uses to manage its capital assets meets leading practices;

“(3) how cost estimates prepared for capital asset projects meet cost estimating leading practices;

“(4) whether the United States Merchant Marine Academy has adequate staff who are trained to identify needed capital projects, estimate the cost of those projects, perform building maintenance, and manage capital improvement projects; and

“(5) how the United States Merchant Marine Academy identifies and prioritizes capital construction needs, and how the priority relates to the safety, education, and wellbeing of midshipmen.

“(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Comptroller General shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study under this section.

“SEC. 3538. IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.

“(a) INSPECTOR GENERAL.—The Inspector General of the Department of Transportation shall—

“Article 3843.
(1) not later than 180 days after the date of enactment of this section, initiate an audit of the Maritime Administration's actions to address only recommendations 4.1 through 4.3, 4.7 through 4.11, 5.1 through 5.4, 5.6, 5.7, 5.11, 5.14, 5.15, 5.16, 6.1 through 6.4, 6.6, and 6.7, identified by a National Academy of Public Administration panel in the November 2021 report entitled “Organizational Assessment of the United States Merchant Marine Academy: A Path Forward”; and

(2) release publicly, and submit to the appropriate committees of Congress, a report containing the results of the audit described in paragraph (1) once the audit is completed.

(b) a STUDY BY NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title, the Secretary of Transportation shall enter into an agreement with the National Academy of Public Administration (referred to in this section as the “Academy”) to provide support for—

(A) prioritizing and addressing the recommendations described in subsection (a)(1), and establishing a process for prioritizing other recommendations in the future; and

(B) development of long-term processes and a timeframe for long-term process improvement, corrective actions, and best practice criteria that can be implemented in the medium- and near-term;

(C) establishment of a clear assignment of responsibilities for each recommendation described in subsection (a)(1), and a strategy for assigning other recommendations in the future; and

(D) a performance measurement system, including data collection and tracking and evaluating progress toward goals.

(2) REPORT OF PROGRESS.—Not later than one year after the date of completion of the agreement described in paragraph (1), the Academy shall prepare and submit a report of progress to the Maritime Administrator, the Inspector General of the Department of Transportation, and the appropriate committees of Congress.

(c) PRIORITY AND IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Maritime Administrator shall provide a prioritization and implementation plan to assess, prioritize, and address the recommendations identified by the National Academy of Public Administration panel in the November 2021 report entitled “Organizational Assessment of the United States Merchant Marine Academy: A Path Forward” that are relevant to the Maritime Administration, and not listed in subsection (a)(1).

(2) AGRÉEMENT FOR STUDY BY NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Inspector General’s report described in paragraph (2)(C), and annually thereafter, the Administrator of the Maritime Administration shall prepare and submit a report to the Inspector General of the Department of Transportation and the appropriate committees of Congress describing—

(A) the Maritime Administration’s planned actions and estimated timeframes for taking action to implement any open or unresolved recommendations from the Inspector General’s report described in paragraph (2) and in subsection (a); and

(B) any target action dates associated with open and unresolved recommendations from the Inspector General’s reports described in paragraph (2) and in subsection (a) which the Maritime Administration failed to meet or for which it requested an extension of time, and the reasons for which an extension was necessary.

(d) AGREEMENT FOR PLAN ON CAPITAL IMPROVEMENT.—Not later than 90 days after the date of enactment of this title, the Maritime Administration shall enter into an agreement with a Federal construction agent to create and implement a plan to improve and maintain maritime transportation at the United States Merchant Marine Academy.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Appropriations Subcommittee on Transportation, Housing, and Related Agencies of the Senate and the House of Representatives, and the Committee on Armed Services of the House of Representatives.

SEC. 3539. SERVICE ACADEMY FACULTY PARITY.—

Section 105 of title 17, United States Code, is amended—

(1) in the heading of subsection (b), by striking “CERTAIN WORKS” and inserting “CERTAIN WORKS”; and

(2) in the first subsection (c), by striking “The Secretary of Defense may” and inserting “The Secretary of Defense (or, with respect to the United States Merchant Marine Academy, the Secretary of Transportation) may”;

(3) in redesignating the second subsection (c) as subsection (d); and

(4) in subsection (d)(2), as redesignated by paragraph (3), by adding at the end the following:

“M United States Merchant Marine Academy.”.

SEC. 3540. UPDATED REQUIREMENTS FOR FISH PROTECTION AGREEMENTS.—

Section 10601(b) of title 46, United States Code, is amended—

(1) in paragraph (2), by striking “and” after the semicolon;

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

(3) by inserting after paragraph (2) the following:

“3) if the vessel is a catcher processor or fish processing vessel with more than 25 crew members that the crew member be not less than 3 meals a day that total not less than 3,100 calories, including adequate water and minerals in accordance with the United States Recommended Daily Allowances; and”.

Submit E—Technology Innovation and Resilience

SEC. 3541. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

Section 50307 of title 46, United States Code, is amended—

(1) by striking the subsection (a) enumerators and all that follows through “Transportation” and inserting the following:

“EMERGING MARINE TECHNOLOGIES AND PRACTICES.--

(1) IN GENERAL.—The Secretary of Transportation;

(ii) by inserting “eligible entities” after “in”; and

(iii) by inserting “underwater noise, such as noise from propeller cavitation or hydrodynamic flow” after “scale”;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) respectively and adjusting the margins accordingly;

(3) in subsection (c), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) respectively and adjusting the margins accordingly;

(4) by redesigning subsections (b) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly;

(5) by redesigning subsection (e) as subsection (b); and

(6) by striking subsection (f);

(7) in subsection (a)—

(A) in paragraph (1), as designated under paragraph (1) of this section—

(i) by inserting “or support” after “engage in”;

(ii) by striking “the use of public” and all that follows through the end of the sentence and inserting “eligible entities;”;

(B) in paragraph (2), as redesignated under paragraph (4) of this section—

(i) by striking “this subsection” and inserting “this subsection”;

(ii) by striking “or improve” and inserting “improve, or support efforts related to, ;”;

(iii) by striking “under subsection (b)(2) may include” and inserting “with other Federal agencies or with State, local, or Tribal governments, as appropriate, under paragraph (2)(B) may include”;

(8) in paragraph (4), as redesignated by paragraph (4) of this section—

(1) by striking “academic, private, and nongovernmental entities and facilities” and inserting “eligible entities”; and

(2) by striking “or support efforts related to”; and

(3) by inserting “in the case of a project that is eligible for a competitive grant program to award grants to eligible entities for purposes of reducing the environmental impact of transportation, and necessary to support efforts related to”; and

(4) by striking clause (iv); and

(5) by striking clauses (vi) and (vii); and

(6) by striking “convertible units” after “is eligible”.

SEC. 3542. TRANSPORTATION RESILIENCE CHALLENGE GRANTS.—

Section 35706(b) of title 46, United States Code, is amended—

(1) by striking “improve, or support efforts related to”; and

(2) by inserting “in the case of a project that is eligible for a competitive grant program to award grants to eligible entities for purposes of reducing the environmental impact of transportation, and necessary to support efforts related to”; and

(3) by striking clauses (vi) and (vii); and

(4) by striking “convertible units” after “is eligible”.
subsection (b)(1)’’ and inserting ‘‘this section’’; and

(b) by adding at the end the following:

‘‘(c) VESSELS.—Activities carried out under a government-to-government cooperative agreement made under this section may be conducted on public vessels under the control of the Maritime Administration, upon approval of the Maritime Administration.

‘‘(d) ELIGIBLE ENTITY DEFINED.—In this section, the term ‘eligible entity’ means—

‘‘(1) a private entity, including a nonprofit organization;

‘‘(2) a State, regional, or local government or entity, including special districts;

‘‘(3) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 3384)) or a consortium of Indian Tribes;

‘‘(4) an institution of higher education as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); or

‘‘(5) a partnership or collaboration of entities described in paragraphs (1) through (3).

‘‘(e) CENTER FOR MARITIME INNOVATION.—

‘‘(1) In GENERAL.—Not later than 1 year after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2023, the Secretary of Transportation shall, after an appropriate agreement, establish a United States Center for Maritime Innovation (referred to in this subsection as the ‘Center’ to support the study, research, development, assessment, and deployment of emerging marine technologies and practices related to the maritime transportation system.

‘‘(2) SELECTION.—The Center shall be—

(A) selected through a competitive process of eligible entities;

(B) based in the United States with technical expertise in emerging marine technologies and practices related to the maritime transportation system; and

(C) located in close proximity to eligible entities with expertise in United States emerging marine technologies and practices, including the use of alternative fuels and the development of both vessel and shoreside infrastructure.

‘‘(3) COORDINATION.—The Secretary of Transportation shall coordinate with other agencies, science, research, and regulation of emerging marine technologies for the maritime sector, including the Department of Energy, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, the National Science Foundation, and the Coast Guard, when establishing the Center.

‘‘(4) FUNCTIONS.—The Center shall—

(A) select eligible entities regarding the development and use of clean energy and necessary infrastructure to support the deployment of clean energy on vessels of the United States;

(B) monitor and assess, on an ongoing basis, the current state of knowledge regarding emerging marine technologies in the United States;

(C) identify any significant gaps in emerging marine technologies research specific to the United States maritime industry, and seek to fill those gaps;

(D) conduct research, development, testing, and evaluation for equipment, technologies, and techniques to address the components described in subsection (a)(2);

(E) provide—

(i) guidance on best available technologies;

(ii) technical analysis;

(iii) assistance with understanding complex regulatory requirements; and

(iv) documentation of best practices in the maritime sector, including training and informational webinars on solutions for the maritime industry; and

‘‘(F) work with academic and private sector response training centers and Domestic Maritime Workforce Training and Education Centers of Excellence to develop maritime workforce strategies and training for the emerging marine technologies.”

SEC. 3542. STUDY ON STORMWATER IMPACTS ON SALMON.

(a) In General.—Not later than 90 days after the date of enactment of this section, the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, and in consultation with the Director of the United States Fish and Wildlife Service, shall commence a study that—

(1) examines the existing science on tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

(2) examines the challenges of studying tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

(3) provides recommendations for improving monitoring of stormwater and research related to run-off for tire-related chemicals and the impacts of such chemicals on Pacific salmon and steelhead at ports; and

(4) provides recommendations based on the best available science on relevant management approaches for ports under their respective jurisdictions.

(b) Submission of Study.—Not later than 18 months after commencing the study under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall—

(1) submit the study to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, including detailing any findings from the study; and

(2) make such study publicly available.

SEC. 3543. STUDY TO EVALUATE EFFECTIVE VESSEL-BASED MEASURES TO REDUCE TIRE-DERIVED CHEMICALS.

(a) In General.—Not later than 1 year after the date of enactment of this title, the Administrator of the Maritime Administration, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of the Department in which the Coast Guard is operating, shall submit to the committees identified under subsection (b), and make publicly available on the website of the Department of Transportation, a report that includes, at a minimum—

(1) a review of technology-based controls and best management practices for reducing vessel-generated underwater noise; and

(2) for each technology-based control and best management practice identified, an evaluation of—

(A) the applicability of each measure to various vessels;

(B) the technical feasibility and economic achievability of each measure; and

(C) the co-benefits and trade-offs of each measure.

(b) Committees.—The report under subsection (a) shall be submitted to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SA 6445. Mr. REED (for Mr. MENENDEZ) submitted an amendment inteded to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

DIVISION E—DEPARTMENT OF STATE AUTHORIZATIONS

SEC. 5001. SHORT TITLE.

This division may be cited as the ‘‘Department of State Authorization Act of 2022’’.

SEC. 5002. DEFINITIONS.

In this division:

(1) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means the Committee on Foreign Relations of the Senate and the Committee on Foreign Relations of the House of Representatives.

(3) DEPARTMENT.—Unless otherwise specified, the term ‘‘Department’’ means the Department of State.

(4) SECRETARY.—Unless otherwise specified, the term ‘‘Secretary’’ means the Secretary of State.

(5) USAID.—The term ‘‘USAID’’ means the United States Agency for International Development.

TITLE LI—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 5101. MODERNIZATION OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE AND THE BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.

It is the sense of Congress that—

(1) the Secretary should take steps to address staffing shortfalls in the chemical, biological, and nuclear weapons issue areas in the Bureau of Arms Control, Verification, and Compliance and in the Bureau of International Security and Nonproliferation;

(2) maintaining a fully staffed and resourced Bureau of Arms Control, Verification, and Compliance and Bureau of International Security and Nonproliferation (and the inspectors of the United States Agency for International Development) is necessary to effectively confront the threat of increased global proliferation; and

(3) the Bureau of Arms Control, Verification, and Compliance and the Bureau of International Security and Nonproliferation should increase efforts and dedicate resources to combat the dangers posed by the People’s Republic of China’s conventional and nuclear build-up, the Russian Federation’s tactical nuclear weapons and new types of nuclear weapons, bioweapons proliferation, dual use of life sciences research, and chemical weapons.

SEC. 5102. NOTIFICATION TO CONGRESS FOR UNITED STATES NATIONALS UNLAWFULLY DETAINED ABROAD.

Section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741) is amended—

(1) in subsection (a), by inserting ‘‘, as expeditiously as possible,’’ after ‘‘review’’; and

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

‘‘(b) REFERRALS TO SPECIAL ENVOY; NOTIFICATION TO CONGRESS.—

Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible
information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall—

(A) expeditiously transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs; and

(B) not later than 14 days after such determination, notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such determination and provide such committees with a summary of the facts that led to such determination.

(2) FORM.—The notification described in paragraph (1)(B) may be classified, if necessary.

SEC. 5103. FAMILY ENGAGEMENT COORDINATOR. Section 333 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741a) is amended by adding a new subsection after paragraph (1) as follows:

(d) FAMILY ENGAGEMENT COORDINATOR.—

There shall be, in the Office of the Special Presidential Envoy for Hostage Affairs, a Family Engagement Coordinator, who shall ensure—

(1) for a United States national unlawfully or wrongfully detained abroad, that—

(A) any interaction by executive branch officials with any family member of such United States national occurs in a coordinated fashion;

(B) such family member receives consistent and accurate information from the United States Government; and

(C) appropriate coordination with the Family Engagement Coordinator described in section 304(c)(2); and

(2) for a United States national held hostage abroad, that any engagement with a family member is coordinated with, consistent with, and not duplicative of the efforts of the Family Engagement Coordinator described in section 304(c)(2).

SEC. 5104. REWARDS FOR JUSTICE. Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2760(b)) is amended—

(1) in paragraph (4), by striking “or (10);” and inserting “(10), (14);”;

(2) in paragraph (12), by striking “or” at the end; and

(3) in paragraph (13), by striking the period at the end and inserting “; or”;

and by adding at the end the following:

(14) the prevention, frustration, or resolution of the hostage taking of a United States person, the identification, location, arrest, or conviction of a person responsible for the hostage taking of a United States person, or the located and returned to the United States person who has been hostage, in any country.

SEC. 5105. ENSURING GEOGRAPHIC DIVERSITY AND ACCESSIBILITY OF PASSPORT AGENCIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Department initiatives to expand passport services and accessibility, including through online modernization projects, should include the construction of new passport agencies in locations where

(b) REVIEW.—The Secretary shall conduct a review of the geographic diversity and accessibility of existing passport agencies to identify—

(1) the geographic areas in the United States that are farther than 6 hours’ driving distance from the nearest passport agency;

(2) the geographic areas in the United States that are farther than 6 hours’ driving distance from passport service locations; and

(3) a plan to ensure that in-person services at physical passport agencies are accessible to all eligible Americans, including Americans living in large population centers, in rural areas, and in areas fraught with a high per capita demand for passport services.

(c) CONSIDERATIONS.—The Secretary shall consider the metrics identified in paragraphs (1) and (2) when determining the locations for the establishment of new physical passport agencies.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains the findings of the review conducted pursuant to subsection (b).

SEC. 5106. CULTURAL ANTIQUITIES TASK FORCE. The Secretary is authorized to use up to $1,000,000 for grants to carry out the activities of the Cultural Antiquities Task Force.

SEC. 5107. BRIEFING ON “CHINA HOUSE”. Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees regarding the organization and mission of the Department’s “China House” team.

SEC. 5108. OFFICE OF SANCTIONS COORDINATION. (a) EXTENSION OF AUTHORITIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 261a) is amended, in paragraph (4)(B) of subsection (1), as redesignated by section 5502(a)(2) of this Act, by striking “the date that is two years after the date of the enactment of this subsection” and inserting “December 31, 2024”.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, or designee, shall brief the appropriate congressional committees with respect to the steps that the Office of Sanctions Coordination has taken to coordinate its activities with the Department of the Treasury and humanitarian aid programs, in an effort to help ensure appropriate flows of humanitarian assistance and goods to countries subject to United States sanctions.

TITLE LII—PERSONNEL ISSUES

SEC. 5201. DEPARTMENT OF STATE PAID STUDENT INTERNSHIP PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Department of State Internship Program (referred to in this section as the “Program”) to offer internship opportunities at the Department to eligible students to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.

(b) ELIGIBILITY.—An applicant is eligible to participate in the Program if the applicant—

(1) is enrolled in a Federal, private, or independent college or university;

(2) is enrolled at least half-time;

(3) is a United States citizen;

(4) is a citizen of a country with which the United States has a comprehensive or partial free trade agreement; and

(5) is 18 years of age or older.

(c) APPLICATION.—The Secretary may waive the requirement under paragraph (1)(A) with respect to a particular student if the Secretary determines that the participation of such student in the Program would be consistent with effective management of the Department.

(d) OUTREACH.—The Secretary shall—

(1) widely advertise the Program, including—

(A) on the Internet;

(B) through the Department’s Diplomatic and Consular Recruitment website;

(C) in other outreach and recruiting initiatives targeting undergraduate and graduate students; and

(D) target outreach to encourage participation in the Program from individuals belonging to an underrepresented group;

(F) students enrolled at minority-serving institutions (which shall include any institutions identified by the Secretary under section 105(a) of the Higher Education Act of 1965 (20 U.S.C. 1067(a)).

(e) COMPENSATION.—(1) HOUSING ASSISTANCE.—(A) ABROAD.—The Secretary shall provide housing assistance to any student participating in the Program whose permanent address is outside of the United States.

(B) DOMESTIC.—The Secretary may provide housing assistance to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is outside of the United States.

(2) TRAVEL ASSISTANCE.—The Secretary shall provide travel assistance to any student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is outside of the United States.

(f) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary, to the maximum extent practicable, shall structure internships to ensure that such internships satisfy criteria for academic credit at the institutions of higher education in which participants in such internships are enrolled.

(2) TRANSITION PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), beginning not later than 2 years after the date of the enactment of this Act—

(A) the Secretary shall convert unpaid internships programs of the Department, including the Foreign Service Internship Program, to internship programs that offer compensation; and

(B) upon selection as a candidate for entry into an internship program, a participant in such internship program may refuse compensation, including if doing so allows such participant to receive college or university curricular credit.

(2) EXCEPTION.—The transition required under paragraph (1) shall not apply to unpaid internship programs of the Department that are part of the Victoria G. Fritsch Federal Service internship program.

(3) WAIVER.—(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1)(A) with respect to a particular unpaid internship program if the Secretary, not later than 30 days after making a determination that the conversion of such internship program to a compensated internship program would not be consistent with effective management goals, submits a report explaining such determination to—

(i) the appropriate congressional committees;

(ii) the Committee on Appropriations of the Senate; and

(iii) the Committee on Appropriations of the House of Representatives.
(B) REPORT.—The report required under subparagraph (A) shall—
   (i) describe the reasons why converting an unpaid internship program of the Department to an intern program that offers compensation would not be consistent with effective management goals; and
   (ii) provide justification for maintaining such an unpaid program.

(b) OTHER DEVELOPMENT.—In order to provide better information on the internship program, the Secretary shall submit a report to the committees referred to in subsection (g)(3)(A) that includes—
   (1) data, to the extent the collection of such information is permissible by law, regarding the number of students who are offered a position, and participated, respectively, disaggregated by race, ethnicity, sex, institution of higher education, home State, State where each student graduated from high school, and disability status;
   (2) data regarding the number of security clearance investigations initiated for the students described in paragraph (1), including the timeline for such investigations, whether such investigations were completed, and when an interim security clearance was granted;
   (3) information on Program expenditures; and
   (4) information regarding the Department’s compliance with subsection (g).

(c) VOLUNTARY PARTICIPATION.—Nothing in this section may be construed to compel any student who is a participant in an internship program of the Department to participate in the collection of or providing any personal information. Such students shall be informed that their participation in the data collection under this section is voluntary.

(d) PRIVACY PROTECTION.—Any data collected under this section shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees. The Secretary, in consultation with the Director of the Office of Personnel Management, with respect to the number of interns to be hired pursuant to paragraph (1) without regard to the number of personnel so employed as of the date of enactment of this Act, shall seek to employ—

   (1) the headquarters of the Department; and
   (2) major domestic and international facilities and embassies, as determined by the Secretary;

(e) IMPROVEMENTS TO THE PREVENTION OF, AND THE RESPONSE VICTIM ADVOCATES.—

   (1) PLACEMENT.—The Secretary shall ensure that the Diplomatic Security Service’s Victims’ Resource Advocacy Program—
   (i) is appropriately staffed by advocates who are physically present at—
      (I) the headquarters of the Department; and
      (II) major domestic and international facilities and embassies, as determined by the Secretary;
   (ii) provides advocacy services to victims of violence and related retaliation, including policies for—
      (I) addressing, reporting, and providing support to survivors of sexual assault, domestic violence, sexual harassment, and related retaliation; and
      (II) communicating such updates to Department staff through publication in Department Notices.

   (2) U PDATE TO MANUAL.—The Director of Global Talent shall—

   (a) Voluntary participation.
   (b) Special hiring authority.
   (c) Sexual assault prevention and response.
   (d) Sexual assault, discrimination, and related retaliation.

   (3) Add additional personnel to address backlogs in hiring and investigations.

   (a) In general.

   (b) Employment targets.

   (c) Increase the duration and expand the number of personal in the Bureau of Global Talent Management and the Office of Civil Rights.

   (d) Update to manual.

   (e) Additional personnel to address backlogs in hiring and investigations.

   (f) Sexual assault, discrimination, sexual harassment, and related retaliation.

   (g) Voluntary participation.

   (h) Special hiring authority.

   (i) Sexual assault prevention and response.

   (j) Definition.

   (k) Training and professional development.

   (l) Foreign affairs training.

   (m) Foreign affairs institute.

   (n) Identification of authorities.

   (o) Review of authorities.

   (p) Written report.

   (q) Reporting.

   (r) Submit report.

   (s) Domestic and international.

   (t) Future.

   (u) Civil service.

   (v) Federal service.

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climatic and non-climatic shocks and stresses.

(d) FELLOWSHIPS.—The Director General of the Foreign Service shall—

(1) establish fellowship programs that provide for the following elements:

(A) advanced international relations education.

(B) the budget impacts of offering such opportunities to congressional staff; and

(C) potential course offerings.

(2) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(A) the training and professional development standards for training and attendance to be used as a part of tenure and promotion guidelines.

(B) qualifications.

(1) O t h e r A g e n c i e s .—National security agencies other than the Department should be afforded the ability to increase the enrollment of their personnel in courses at the Foreign Service Institute and other training and professional development facilities of the Department to promote a whole-of-government approach to mitigating national security challenges.

(2) CONGRESSIONAL STAFF.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that describes—

(A) the training and professional development opportunities at the Foreign Service Institute and other Department facilities available to congressional staff; and

(B) the cost of offering such opportunities to congressional staff; and

(C) potential course offerings.

(3) STRATEGY FOR ADAPTING AND EVOLVING TRA INING REQUIREMENTS FOR MODERN DIPLOMATIC NEEDS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and submit to the appropriate committees of Congress a strategy for adapting and evolving training requirements to better meet the Department’s current and future needs for 21st-century diplomacy.

(2) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(A) Integrating training requirements into the Department’s promotion policies, including establishing educational and professional development standards for training and attendance to be used as a part of tenure and promotion guidelines.

(B) Qualifications.

(1) OUTSIDE EXPERTISE.—

(1) IN GENERAL.—Not fewer than 6 members of the Board shall have a minimum of 10 years of relevant expertise outside the field of diplomacy.

(ii) composed of 12 members, of whom—

(A) at least 3 shall be residents of the United States;

(B) at least 3 shall be nominees selected from the ranks of the Foreign Service and at least 1 shall have experience in the field of international financial management, technology, or advanced international relations education.

(C) OUTSIDE EXPERTISE.—

(1) IN GENERAL.—Not fewer than 6 members of the Board shall have a minimum of 10 years of relevant expertise outside the field of diplomacy.

(ii) composed of 12 members, of whom—

(A) at least 3 shall be residents of the United States;

(B) at least 3 shall be nominees selected from the ranks of the Foreign Service and at least 1 shall have experience in the field of international financial management, technology, or advanced international relations education.

(C) OUTSIDE EXPERTISE.—

(1) IN GENERAL.—Not fewer than 6 members of the Board shall have a minimum of 10 years of relevant expertise outside the field of diplomacy.

(ii) composed of 12 members, of whom—

(A) at least 3 shall be residents of the United States;

(B) at least 3 shall be nominees selected from the ranks of the Foreign Service and at least 1 shall have experience in the field of international financial management, technology, or advanced international relations education.

(C) OUTSIDE EXPERTISE.—

(1) IN GENERAL.—Not fewer than 6 members of the Board shall have a minimum of 10 years of relevant expertise outside the field of diplomacy.
residential training for other long-term training opportunities.

(D) An examination of the likely advantages and disadvantages of establishing a press freedom curriculum for the National Foreign Affairs Training Center that enables Foreign Service officers to better understand issues of press freedom and the tools that are available to help protect journalists and promote freedom of the press norms, which may include:

(i) a historic and current issues facing press freedom, including countries of specific concern;
(ii) the Department's role in promoting press freedom for an American voice on human rights issues, and a national security imperative;
(iii) ways to incorporate press freedom promotion into the curricula of diplomatic training;
(iv) existing tools to assist journalists in distress and methods for engaging foreign governments and institutions on behalf of individuals engaged in journalistic activity who are at risk of harm.

(E) The expansion of external courses offered by the Foreign Service Institute at academia or professional associations on specific topics, including in-person and virtual courses on monitoring and evaluation, audience analysis, and the use of emerging technologies in diplomacy.

(3) UTILIZATION OF EXISTING RESOURCES.—In examining the advantages and disadvantages of establishing a residential training program pursuant to paragraph (2)(C), the Secretary shall:

(A) collaborate with other national security departments and agencies that employ residential training for their orientation courses; and
(B) consider using the Department’s Foreign Affairs Security Training Center in Blackstone, Virginia.

(i) REPORT AND BRIEFING REQUIREMENTS.—

(I) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that includes:

(a) a strategy for broadening and deepening professional development and training at the Department, including assessing current and future needs for 21st century diplomacy;
(b) the process used and resources needed to implement the strategy referred to in subparagraph (A) throughout the Department; and
(C) the results and impact of the strategy on the workforce of the Department, particularly the relationship between professional development and training and promotions for Department personnel, and the measurement and evaluation methods used to evaluate such results.

(ii) BRIEFING.—Not later than 1 year after the date on which the Secretary submits the report required under paragraph (I), and annually thereafter for 2 years, the Secretary shall brief the appropriate committees of Congress on the implementation and impact of the strategy referred to in subparagraph (i).

(F) FOREIGN LANGUAGE MAINTENANCE INCENTIVE PROGRAM.—

(I) AUTHORIZATION.—The Secretary is authorized to establish and implement an incentive program with a similar structure as the Foreign Language Proficiency Bonus offered by the Department of Defense, to encourage members of the Foreign Service who possess proficiency in any of the languages that qualify for additional incentive pay, as determined by the Secretary, to maintain critical foreign language skills.

(G) ANNUAL WORKFORCE REPORT.—

(A) IN GENERAL.—In order to understand the Department’s long-term trends with respect to its workforce, the Secretary, is consultation with relevant bureaus and offices, including the Bureau of Global Talent Management and the Center for Analytics, shall develop a strategy to the appropriate committees of Congress that details the Department’s workforce, disaggregated by Bureau of Public Affairs, and submit a report to the appropriate committees of Congress that:

(i) for Federal personnel—

(I) the number of personnel who were hired;

(II) the number of personnel whose employment contract was terminated or who voluntarily left the Department;

(III) the number of personnel who were promoted, including the grade to which they were promoted;

(IV) the demographic breakdown of personnel; and

(V) the distribution of the Department’s workforce based on domestic and overseas assignments, including a breakdown of the number of personnel in geographic and functional bureaus and the number of individuals under active contracts, and

(b) determine whether closing bureaus or other actions by other Federal departments and agencies.

SEC. 5206. SECURITY CLEARANCE APPROVAL PROCESS.

(a) RECOMMENDATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary, in coordination with the Director of National Intelligence, shall submit a report to the appropriate congressional committees for streamlining the security clearance approval process within the Bureau of Diplomatic Security so that the security clearance approval process for Civil Service and Foreign Service applicants is completed within 6 months, on average, and within 1 year, in the vast majority of cases.

(b) REPORT.—Not later than 90 days after the recommendations are submitted pursuant to subsection (a), the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that—

1. describes the status of the efforts of the Department to streamline the security clearance approval process; and

2. identifies any remaining obstacles preventing security clearances from being completed within the time frames set forth in subsection (a), including lack of cooperation or other actions by other Federal departments and agencies.
SEC. 5207. ADDENDUM FOR STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees an addendum to the report required under section 5302 of the State Authorizations Act of 2021 (division E of Public Law 117–81), which shall be entitled the ‘Report on Bidding for Domestic and Overseas Posts and Filling Unfilled Positions’. The addendum shall be prepared using input from the same federally funded research and development center that prepared the analysis conducted for this report.

(b) Elements.—The addendum required under subsection (a) shall include—

(1) the total number of domestic and overseas positions offered during the most recent summer bidding cycle;

(2) the total number of bids each position received;

(3) the number of unfilled positions at the conclusion of the most recent summer bidding cycle, disaggregated by bureau; and

(4) detailed recommendations and a timetable for—

(A) increasing the number of qualified bidders for underbid positions; and

(B) minimizing the number of unfilled positions resulting from the bidding season.

SEC. 5208. CURTAILMENTS, REMOVALS FROM POST, AND WAIVERS OF PRIVILEGES AND IMMUNITIES.

(a) Curtailments Report.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit a report to the appropriate congressional committees regarding curtailments of Department personnel from overseas posts.

(2) CONTENTS.—The Secretary shall include in the report required under paragraph (1)—

(A) relevant information about any post that, during the 6-month period preceding the report—

(i) had more than 5 curtailments; or

(ii) had curtailments representing more than 5 percent of Department personnel at such post; and

(B) for each post referred to in subparagraph (A), the number of curtailments, disaggregated by occurrence.

(b) Removal of Diplomats.—Not later than 5 days after the date on which any United States personnel under Chief of Mission authority are removed from such personnel by a host government, the Secretary shall—

(1) notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of the occurrence;

(2) include with such notification—

(A) the official reason for such declaration (if provided by the host government); and

(B) the date of removal; and

(C) whether the Department responded by declaring a host government’s diplomat in the United States persona non grata.

(c) Waiver of Privileges and Immunities.—Not later than 15 days after any waiver of privileges and immunities pursuant to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, that is applicable to an entire diplomatic post or to the majority of United States personnel under Chief of Mission authority, the Secretary shall notify the appropriate congressional committees of such waiver and the reason for such waiver.

(d) Time Limit.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 5209. REPORT ON WORLDWIDE AVAILABILITY.

(a) In General.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the feasibility of requiring that each member of the Foreign Service participate in Foreign Service training and, thereafter, be worldwide available, as determined by the Secretary.

(b) Contents.—The report required under subsection (a) shall include—

(1) the feasibility of a worldwide availability requirement for all members of the Foreign Service;

(2) considerations if such a requirement were to be implemented, including the potential effect on recruitment and retention; and

(3) recommendations for exclusions and limitations, including exemptions for medical reasons, disability, and other circumstances.

SEC. 5210. PROFESSIONAL DEVELOPMENT.

(a) Requirements.—The Secretary shall strongly encourage that Foreign Service officers participate in professional development described in subsection (c).

(b) Requirements.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit recommendations on requiring that Foreign Service officers participate in professional development described in subsection (c) and shall include for entry into the Senior Foreign Service.

(c) Professional Development Described.—Professional development described in this subsection is not less than 6 months of training or experience outside of the Department, including time—

(1) as a detailee to another government agency, including Congress or a State, Tribal, or local government;

(2) in Department-sponsored and funded university training that results in an advanced degree, excluding time spent at a university that is fully funded or operated by the Federal Government;

(d) Promotion Precepts.—The Secretary shall instruct promotion boards to consider positively long-term training and out-of-agency detail assignments.

SEC. 5211. MANAGEMENT ASSESSMENTS AT DIPLOMATIC AND CONSULAR POSTS.

(a) General.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary shall annually conduct, at the time of the bidding season, disaggregated by bureau; and

(b) Management Assessments at Diplomatic and Consular Posts.

(a) In General.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary shall annually conduct, at the time of the bidding season, a survey shall be—

(1) the general morale at post;

(2) the presence of any hostile work environment;

(3) the presence of any harassment, discrimination, retaliation, or other mistreatment; and

(4) effective leadership and collegial work environment.

(d) Director General’s Recommendations.—Upon compilation and review of the surveys, the Director General of the Foreign Service shall recommend to the Secretary the appropriate action to be taken at posts, as appropriate, based on the findings of the surveys.
SEC. 5215. EXPANSION OF AUTHORITIES REGARDING SPECIAL RULES FOR CERTAIN MONTHLY WORKERS COMPENSATION PAYMENTS AND OTHER PAYMENTS.

Section 901 of division J of the Further Consolidated and Security Act, 2020 (22 U.S.C. 2880b) is amended by adding at the end the following:

‘‘(j) EXPANSION OF AUTHORITIES.—The head of any Federal agency may exercise the authorities of this section, including to designate an incident, whether the incident occurred in the United States or abroad, for purposes of subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4) when the incident affects United States Government employees of the agency or their dependents who are not status employees in the security responsibility of the Secretary of State as set forth in section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) or when operational control of overseas security responsibility for such employees or dependents has been delegated to the head of the agency.’’

TITLE LIII—EMBASSY SECURITY AND CONSTRUCTION

SEC. 5301. AMENDMENTS TO SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ‘‘Secure Embassy Construction and Counterterrorism Act of 2022’’.

(b) FINDINGS.—Congress makes the following findings:

(1) The Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106-113) was a necessary response to bombings on August 7, 1998, at the United States embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, that were destroyed by simultaneously exploding bombs. The resulting explosions killed 220 persons and injured more than 4,000 others. Twelve Americans and 40 Kenyan and Tanzanian employees of the United States Foreign Service were killed in the attacks.

(2) Those bombings, followed by the expeditious diplomatic efforts in Iraq and Afghanistan, demonstrated the need to prioritize the security of United States posts and personnel abroad above other considerations.

(3) Between 1999 and 2022, the risk calculus of the Department impacted the ability of the United States to advance the interests of the United States through access to local populations, leaders, and places.

(4) America’s competitors and adversaries do not have the same restrictions that United States diplomats have, especially in critically important medium-threat and high-threat countries.

(5) The Department’s 2021 Overseas Security Panel report states that—

(A) the requirement for setback and collocation of diplomatic facilities under paragraphs (2) and (3) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865a) has led to skyrocketing costs of new embassies and consulates;

(B) the locations of such posts have become less desirable, creating an extremely sub-optimal nexus that further hinders United States diplomats who are willing to accept more risk in order to advance United States interests;

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the setback and collocation requirements referred to in subsection (b)(9)(A) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)) should be expanded to provide the security such requirements used to provide because of advancement in technology, such as remote controlled drones, that can evade walls and other such static barriers;

(2) the Department should focus on creating performance metrics that—

(A) attempt to keep the setback requirements of diplomatic posts as limited as possible; and

(B) provide diplomats access to local populations as much as possible, while still providing a necessary level of security;

(3) collocation of diplomatic facilities is often the feasible option available, particularly for public diplomacy spaces whose mission is to reach and be accessible to wide sectors of the public, including in countries with restricted Governments; and

(4) the Department of State—

(A) fully utilize the waiver process provided under paragraphs (2)(B) and (3)(B) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)); and

(B) appropriately exercise such waiver process as a tool to right-size the appropriate security footing at each diplomatic post rather than only approving waivers in extreme circumstances;

(c) the return of great power competition requires—

(A) United States diplomats to do all they can to outperform our adversaries; and

(B) the Department to better optimize use of taxpayer funding to advance United States national interests; and

(6) this section will better enable United States diplomats to compete in the 21st century, while saving United States billions in reduced property and maintenance costs at embassies and consulates abroad;

(d) DEFINITION OF UNITED STATES DIPLOMATIC FACILITY.—Section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106-113) is amended to read as follows:

‘‘SEC. 603. UNITED STATES DIPLOMATIC FACILITY DEFINED.

‘‘In this title, the terms ‘United States diplomatic facility’ and ‘diplomatic facility’ are hereby defined to mean—

(1) is considered by the Secretary of State to be diplomatic or consular premises, consistent with the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and was notified to the host government as such; or

(2) is otherwise subject to a publicly available bilateral agreement with the host government (containing in the records of the United States Department of State) that recognizes the official status of the United States Government personnel present at the facility.’’

(e) GUIDANCE AND REQUIREMENTS FOR DIPLOMATIC FACILITIES.—

(1) GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMATIC FACILITIES.—Section 5606(a) of the Public Diplomacy Modernization Act of 2021 (Public Law 117-81; 22 U.S.C. 1475g note) is amended to read as follows:

‘‘SEC. 5606. GUIDANCE AND REQUIREMENTS FOR DIPLOMATIC FACILITIES.—

‘‘(a) GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMATIC FACILITIES.—

‘‘(1) GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMATIC FACILITIES.—Section 5606(a) of the Public Diplomacy Modernization Act of 2021 (Public Law 117-81; 22 U.S.C. 1475g note) is amended to read as follows:’’

(General)—It is necessary to preserve public diplomatic facilities that are accessible to the publics of foreign countries, not later than 7 years after the date of enactment of the Secure Embassy Construction and Counterterrorism Act of 2022, the Secretary of State shall adopt guidelines to collect and utilize information from each diplomatic post at which the construction of a new embassy compound or new consular compound
could result in the closure or co-location of an American Space that is owned and operated by the United States Government, generally known as an American Center, or any other public diplomacy facility under the Secu-

rity Construction Act and Counterror-

ism Act of 1999 (22 U.S.C. 4865 et seq.).”

(2) SECURITY REQUIREMENTS FOR UNITED STATES DIPLOMATIC FACILITIES.—Section 606(a) of the Diplomatic Security Act of 1999 (22 U.S.C. 4865(a)) is amended—

(A) in paragraph (1)(A), by striking “the threat” and inserting “a range of threats, including that”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by adding “and the following” after “military commander’’;

(ii) by inserting “personnel of the Peace Corps, and personnel of any other type or category of facility that the Secretary may identify’’ after “military commander’’;

(ii) by inserting “personnel of the Peace Corps, and personnel of any other type or category of facility that the Secretary may identify’’ after “military commander’’;

(B) in subparagraph (A), by inserting “the following” after “a quarterly”;

(i) by amending clause (i) to read as follows:

“(i) IN GENERAL.—Subject to clause (ii), the Secretary of State may waive subparagraph (A) if the Secretary, in consultation with, and the head of each agency employing personnel that would not be located at the site, if applicable, determines that it is in the national interest of the United States after taking account of any consideration the Secretary in his or her discretion considers relevant, which may include security conditions;”;

(ii) by striking “(ii) CHANCERY OR CONSULATE BUILDING.—” and all that follows through “15 days prior’’ and inserting the following:

“(ii) CHANCERY OR CONSULATE BUILDING.— Prior’’;

and

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

“(A) REQUIREMENT.—

“(i) IN GENERAL.—Each newly acquired United States diplomatic facility in a location that has certain minimum ratings under the Security Environment Threat List as determined by the Secretary in his or her discretion considers relevant, which may include security conditions;’’;

“(ii) CHANCERY OR CONSULATE BUILDING.—” and all that follows through “15 days prior’’ and inserting the following:

“(ii) CHANCERY OR CONSULATE BUILDING.— Prior’’;

and

(iii) by amending clause (ii) to read as follows:

“(ii) ALTERNATIVE ENGINEERING EQUIVALENCE STANDARD REQUIREMENT.—Each facility required to in clause (i) may, instead of meeting the requirement under such clause, fulfill such other criteria as the Secretary is authorized to employ to achieve an engineer-

ing standard of security and degree of pro-

tection that is equivalent to the numerical rating in the Security Environment Threat List as determined by the Secretary in his or her discretion’’ after “military commander’’;

and

(bb) by inserting “after taking account of any considerations the Secretary in his or her discretion considers relevant, which may include security conditions’’ after “national interest of the United States’’;

(ii) by striking “military commander’’;

and

(C) by inserting after paragraph (3) the following:

“(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend that the Secretary investigate accountability for United States Government personnel with security-related responsibilities under chief of mission authority’’;

“(4) by redesigning paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the fol-

owing:

“(4) to support a culture of risk manage-

ment, instead of risk avoidance, that enables the Department of State to pursue its vital goals with full knowledge that it is neither desirable nor possible for the Department to avoid all risks’’;

(2) BRIEFINGS ON EMBASSY SECURITY.—Sec-


(A) by striking “any plans to open or re-

open a high risk, high threat post’’ and in-

serting “progress towards opening or reopen-

ing a high risk, high threat post, and the risk to national security of the continued closure or any suspension of operations and related barriers caused by the requirement’’;

(B) in paragraph (A), by inserting “the risk to United States national security of the post’s continued closure or suspension of operations’’ after “national security of the United States’’;

and

(C) in paragraph (B), by inserting “the types and nature of threats such post could encounter, and before ‘security tripwires’’.

(d) SECURITY REVIEW COMMITTEES.—

(1) IN GENERAL.—Section 301 of the Diplo-

matic Security Act of 1986 (22 U.S.C. 4831) is amended—

(i) in the section heading, by striking “AC-

COUNTABILITY REVIEW BOARDS” and inserting “SECURITY REVIEW COMMITTEES”;

(2) COMMITTEE COMPOSITION.—The Sec-

ry shall designate a Chairperson and may designate additional personnel of com-

mittee to serve on the Security Review Committee, which shall include—

(A) the Director of the Office of Manage-

ment Strategy and Solutions;

(B) the Assistant Secretary responsible for the region where the incident occurred;

(C) the Assistant Secretary of State for Diplomatic Security;

(D) the Assistant Secretary of State for Intelligence and Research;

(E) the Assistant Secretary-level repre-

sentative from any involved United States Government departments or agencies; and

(F) other personnel determined to be ne-

cessary or appropriate.’’;

(i) in paragraph (3), as redesignated by clause (ii), by striking “DEPARTMENT OF DEFENSE FACILITIES AND

(C) provide United States citizen services; and

(chat) by inserting “after the other diplomatic missions, particularly those, such as the People’s Republic of China, that do not have restrictions on meeting locations.”;

(7) Given these stakes, Congress has a re-

sponsibility to empower, support, and hold the Department accountable for imple-

menting an aggressive strategy to ensure a robust presence that mitigates po-

ential risks and adequately considers the myriad direct and indirect consequences of a lack of diplomatic presence.

(c) ENCOURAGING EXPEDITIOUS DIPLOMACY.—

(1) PURPOSE.—Section 102(b) of the Diplo-

matic Security Act of 1986 (22 U.S.C. 4801(b)) is amended—

(A) by amending paragraph (3) to read as follows:

“(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend that the Secretary investigate accountability for United States Government personnel with security-related responsibilities under chief of mission authority’’;

“(4) to support a culture of risk manage-

ment, instead of risk avoidance, that enables the Department of State to pursue its vital goals with full knowledge that it is neither desirable nor possible for the Department to avoid all risks’’;

(2) BRIEFINGS ON EMBASSY SECURITY.—Sec-


(A) by striking “any plans to open or re-

open a high risk, high threat post’’ and in-

serting “progress towards opening or reopen-

ing a high risk, high threat post, and the risk to national security of the continued closure or any suspension of operations and related barriers caused by the requirement’’;

(B) in paragraph (A), by inserting “the risk to United States national security of the post’s continued closure or suspension of operations’’ after “national security of the United States’’;

and

(C) in paragraph (B), by inserting “the types and nature of threats such post could encounter, and before ‘security tripwires’’.

(d) SECURITY REVIEW COMMITTEES.—

(1) IN GENERAL.—Section 301 of the Diplo-

matic Security Act of 1986 (22 U.S.C. 4831) is amended—

(i) in the section heading, by striking “AC-

COUNTABILITY REVIEW BOARDS” and inserting “SECURITY REVIEW COMMITTEES”;

(2) COMMITTEE COMPOSITION.—The Sec-

ry shall designate a Chairperson and may designate additional personnel of com-

mittee to serve on the Security Review Committee, which shall include—

(A) the Director of the Office of Manage-

ment Strategy and Solutions;

(B) the Assistant Secretary responsible for the region where the incident occurred;

(C) the Assistant Secretary of State for Diplomatic Security;

(D) the Assistant Secretary of State for Intelligence and Research;

(E) an Assistant Secretary-level repre-

sentative from any involved United States Government departments or agencies; and

(F) other personnel determined to be ne-

cessary or appropriate.’’;

(i) in paragraph (3), as redesignated by clause (ii), by striking “DEPARTMENT OF DEFENSE FACILITIES AND
PERSONNEL,” and inserting “EXCEPTIONS TO CONVENING A SECURITY REVIEW COMMITTEE”; and

(II) by striking “The Secretary of State is not required to convene a Board in the case” and inserting the following:

“(A) IN GENERAL.—The Secretary of State is not required to convene a Security Review Committee if—

(i) the Secretary determines that the incident involves only causes unrelated to security, such as when the security at issue is outside of the scope of the Secretary of State’s security responsibilities under section 103;

(ii) if operational control of overseas security functions has been delegated to another agency in accordance with section 106;

(iii) if the incident is a cybersecurity incident and is covered by other review mechanisms;

(iv) in the case; and

(III) by striking “In any such case” and inserting the following:

“(B) DEPARTMENT OF DEFENSE INVESTIGATIONS.—In the case of an incident described in subparagraph (A)(iv); and

(E) by adding at the end the following:

“(5) The Secretary of State shall promulgate regulations defining the membership and operating procedures for the Security Review Committee and provide such such as the Chair and any ranking members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) in subsection (b)—

(A) in the subsection heading, by striking “BOARDS” and inserting “SECURITY REVIEW COMMITTEE”;

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

“(1) IN GENERAL.—The Secretary of State shall convene a Security Review Committee not later than 60 days after the occurrence of an incident described in subsection (a)(1), or 80 days after the Department first becomes aware of such an incident, whichever is earlier, except that the 60-day period for convening a Security Review Committee may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary; and

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

“(c) CONGRESSIONAL NOTIFICATION.—Whenever the Secretary of State convenes a Security Review Committee, the Secretary shall promptly inform the Chair and ranking member of—

(1) the Committee on Foreign Relations of the Senate;

(2) the Select Committee on Intelligence of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 303(b) and 304 of the Diplomatic Security Act of 1986 (22 U.S.C. 4832) are amended—

(1) in the section heading, by striking “ACCOUNTABILITY REVIEW BOARD” and inserting “SECURITY REVIEW COMMITTEE”;

(2) by striking “a Board” each place such term appears and inserting “a Security Review Committee”; and

(f) SECURE INVESTIGATION PROCESS.—Section 303 of the Diplomatic Security Act of 1986 (22 U.S.C. 4832) is amended to read as follows:

“SEC. 303. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.

“(a) INVESTIGATION.—

(1) REPORTED INCIDENT.—A United States mission shall submit an initial report of a Serious Security Incident not later than 3 days after such incident occurs, whenever feasible, at which time an investigation of the incident shall be initiated.

(2) INVESTIGATION.—Not later than 10 days after the receipt of a report pursuant to paragraph (1), the Secretary shall direct the Diplomatic Security Service to assemble an investigative team to investigate the incident and independently establish what occurred. Each investigation under this subsection shall cover—

(A) an assessment of what occurred, who perpetrated the Serious Security Incident, and whether applicable security procedures were followed;

(B) if in the event the Serious Security Incident involved a United States diplomatic compound, motorcade, residence, or other facility, an assessment of whether adequate security countermeasures were in effect based on a known threat at the time of the incident;

(C) if the incident involved an individual or group of officers, employees, or family members under Chief of Mission security responsibility conducting approved operations or movements outside the United States mission, an assessment of whether proper security briefings and procedures were in place and whether weighing of the risk of the operation or movement took place; and

(D) an assessment of whether any officials or employees to follow procedures or perform their duties contributed to the security incident.

“(B) INVESTIGATIVE TEAM.—The investigative team assembled pursuant to paragraph (2) shall consist of individuals from the Diplomatic Security Service who shall provide an independent evaluation of the facts surrounding the incident and what occurred. The Secretary, or the Secretary’s designee, shall review the makeup of the investigative team for causes of conflict or lack of independence that could undermine the results of the investigation and may remove or replace any members of the team to avoid such an outcome.

“(2) REPORT OF INVESTIGATION.—Not later than 90 days after the occurrence of a Serious Security Incident, the investigative team investigating the incident shall prepare and submit a Report of Investigation to the Security Review Committee that includes—

(A) a detailed description of the matters set forth in subparagraphs (A) through (D) of section 303(b), including all related findings;

(B) a complete and accurate account of the casualties, injuries, and damage resulting from the incident; and

(C) a review of security procedures and directives in place at the time of the incident.

(c) CONFIDENTIALITY.—The investigative team investigating a Serious Security Incident shall adopt such procedures with respect to confidentiality as determined necessary, including procedures relating to the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information resulting from the conduct of an approved operation outside the mission, whether a valid process was followed in evaluating the requested operation and weighing the risk of the operation, which determines whether personnel shall not seek to assign accountability for the incident unless the Secretary of State is satisfied that an official breached his or her duty;

(D) the impact of intelligence and information availability, and whether the mission was aware of the general operating threat environment or any more specific information about the threat environment;

(E) any other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

(2) SUBMISSION TO SECRETARY OF STATE.—Not later than 60 days after receiving the Report of Investigation prepared pursuant to section 303(b), the Security Review Committee shall submit a report to the Secretary of State that includes—

(A) the findings described in subsection (a) and;

(B) any related recommendations.

(2) SUBMISSION TO CONGRESS.—Not later than 90 days after receiving the report pursuant to paragraph (1), the Secretary of State shall submit a copy of the report to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives.

(c) PERSONNEL RECOMMENDATIONS.—If in the course of conducting an investigation under section 303, the investigative team finds reasonable cause to believe an individual described in section 303(a)(2)(D) has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the Security Review Committee. If the Security Review Committee finds reasonable cause to believe, it shall be reported to the Secretary for appropriate action.”.
(b) RELATION TO OTHER PROCEEDINGS.—Section 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4835) is amended—

(1) by inserting "(a) NO EFFECT ON EXISTING REMEDIES OR DEFENSES.—' before "Nothing in this title"; and

(2) by adding at the end the following:

"(b) FUTURES INQUIRIES.—Nothing in this title shall be precluded by the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude and complexity that an internal process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under subsection (a) shall be provided to the designated board of inquiry convened by the Secretary.".

SEC. 5303. ESTABLISHMENT OF UNITED STATES EMBASSIES IN VANUATU, KIRIBATI, AND TONGA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Pacific Islands are vital to United States national security and national interests in the Indo-Pacific region and globally.

(2) The Pacific Islands region spans 15 percent of the world's surface area and controls access to open waters in the Central Pacific, sea lanes to the Western Hemisphere, supply lines to United States forward-deployed forces in East Asia, and economically important fisheries.

(3) The Pacific Islands region is home to the State of Hawaii, 11 United States territories, United States Naval Base Guam, and United States Andersen Air Force Base.

(4) Pacific Island countries cooperate with the United States and United States partners on security and security and efforts to stop illegal, unreported, and destructive fishing.

(5) The Pacific Islands are rich in biodiversity and are on the frontlines of environmental climate issues.

(6) The People's Republic of China (PRC) seeks to increase its influence in the Pacific Islands region, including through infrastructure development under the PRC's One Belt, One Road Initiative and its new security agreement with the Solomon Islands.

(7) The United States Embassy in Papua New Guinea manages the diplomatic affairs of the United States to the Republic of Vanuatu, and the United States Embassy in Fiji manages the diplomatic affairs of the United States to Kiribati and the Kingdom of Tonga.

(8) The United States requires a physical diplomatic presence in the Republic of Vanuatu, Kiribati and the Kingdom of Tonga, to ensure the physical and operational security of our efforts in those countries to deeppen relations, protect United States national security, and pursue United States national interests.

(9) Increasing the number of United States embassies dedicated solely to a Pacific Island and the United States Embassy in Fiji manages the diplomatic affairs of the United States to Kiribati and the Kingdom of Tonga.

(b) ESTABLISHMENT OF EMBASSIES.—

(1) IN GENERAL.—The Secretary of State should establish physical United States embassies in the Republic of Kiribati and in the Kingdom of Tonga, and a physical presence in the Republic of Vanuatu as soon as possible.

(2) OTHER STRATEGIES.—

(A) PHYSICAL INFRASTRUCTURE.—In establishing the physical diplomatic presence in the Republic of Vanuatu pursuant to paragraph (1), the Secretary may assign 1 or more United States Government personnel to serve as part of the United States mission in Papua New Guinea.

(B) PERSONNEL.—In establishing a physical presence in the Republic of Vanuatu pursuant to paragraph (1), the Secretary may assign 1 or more United States Government personnel to serve as part of the United States mission in Papua New Guinea.

(C) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of State for Embassy Security, Construction, and Maintenance—

(1) $40,200,000 is authorized to be appropriated for fiscal year 2023 for the establishment and maintenance of the 3 embassies

(b) GROWTH IN THE UNITED STATES WORKFORCE.

(1) DEFINED TERM.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) PROGRESS REPORT.—Not later than 180 days following the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate committees of Congress that includes—

(A) a description of the status of activities carried out to achieve the objectives described in this section;

(B) an estimate of when embassies and a physical presence will be fully established pursuant to subsection (b); and

(C) an update on events in the Pacific Islands region relevant to the establishment of United States embassies, including activities by the People's Republic of China.

(3) REPORT ON FINAL DISPOSITION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that—

(A) confirms the establishment of the 2 embassies and 3 physical presence required under subsection (b); or

(B) if the embassies and physical presence required in subsection (b) have not been established, a justification for such failure to comply with such requirement.

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

SEC. 5401. REPORT ON BARRIERS TO APPLYING FOR EMPLOYMENT WITH THE DEPARTMENT OF STATE

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that—

(1) identifies any barriers for applicants applying for employment with the Department;

(2) provides demographic data of online applicants during the most recent 3 years disaggregated by race, ethnicity, sex, age, veteran status, disability, geographic region;

(3) assesses any barriers that exist for applying online for employment with the Department; and

(4) includes recommendations for addressing any disparities identified in the online application process.

SEC. 5402. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes demographic data and other information regarding the diversity of the workforce of the Department.

(b) DATA.—The report required under subsection (a) shall include, to the maximum extent that the collection and dissemination of such data can be done in a way that protects the confidentiality of individuals and is otherwise permissible by law:

(1) demographic data on each element of the workforce of the Department during the 5-year period ending on the date of the enactment of this Act, disaggregated by rank and grade or grade-equivalent, with respect to—

(A) individuals hired to join the workforce;

(B) individuals promoted, including promotions to and within the Senior Executive Service or the Senior Foreign Service;

(C) individuals serving as special assistants in any of the offices of the Secretary of State, the Deputy Secretary of State, the Counselor of the Department of State, the Secretary of Planning Policy, the Under Secretary of State for Arms Control and International Security, the Under Secretary of State for Civilian Security, Democracy, and Human Rights, the Under Secretary of State for Economic Growth, Energy, and the Environment, the Under Secretary of State for Management, the Under Secretary of State for Political Affairs, and the Under Secretary of State for Public Diplomacy and Public Affairs;

(D) individuals serving in each bureau's personnel office;

(E) individuals serving as detailers to the National Security Council;

(F) individuals serving on applicable selection boards;

(G) members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department;

(H) individuals participating in professional development programs of the Department and the extent to which such participants have been placed into senior positions within the Department after such participation;

(I) individuals participating in mentorship or recruitment programs; and

(J) individuals who separated from the agency, including individuals in the Senior Executive Service or the Senior Foreign Service;

(2) an assessment of agency compliance with the essential elements identified in Equal Employment Opportunity Commission Management Directive 715, effective October 1, 2003; and

(3) data on the overall number of individuals who are part of the workforce, the percentage of such workforce, corresponding to each element specified in paragraph (1), and the percentages corresponding to each rank, grade, or grade equivalent.

(c) EFFECTIVENESS OF DEPARTMENT EFFORTS.—The report required under subsection (a) shall describe and assess the effectiveness of the efforts of the Department to—

(1) to propagate fairness, impartiality, and inclusion in the work environment, both domestically and abroad;

(2) enforce anti-discrimination and anti-discrimination policies, both domestically and at posts overseas;
SEC. 5403. CENTERS OF EXCELLENCE IN FOREIGN AFFAIRS AND ASSISTANCE.

(a) Purpose.—The purpose of this section is—

(1) to advance the values and interests of the United States overseas through programs that foster innovation, competitiveness, and a diversity of backgrounds, views, and experiences in the formulation and implementation of United States foreign policy and assistance; and

(2) to create opportunities for specialized research, training, professional development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.

(b) Study.—

(1) IN GENERAL.—The Secretary and the Administrator shall conduct a study on the feasibility of establishing Centers of Excellence in Foreign Affairs and Assistance (referred to in this section as the "Centers of Excellence") within institutions that serve individuals belonging to an underrepresented group to focus on 1 or more of the areas described in paragraph (2).

(2) ELIGIBILITY.—In conducting the study required under paragraph (1), the Secretary and the Administrator, respectively, shall consider—

(A) opportunities to enter into public-private partnerships that will—

(i) increase diversity in foreign affairs and foreign assistance Federal careers;

(ii) prepare mid-career and graduate students (including nontraditional, mid-career, part-time, and heritage students) and nonprofit or business professionals with the skills and educative credentials to successfully contribute to the formulation and execution of United States foreign policy and assistance;

(iii) support the conduct of research, education, and extension programs that reflect diverse perspectives and a wide range of views of world regions and international affairs;

(I) to assist in the development of regional and functional foreign policy skills; and

(VII) to strengthen multilateral and humanitarian assistance programs; and

(III) to strengthen democratic institutions and processes in policymaking, including supporting public policies that engender equitable and inclusive societies and focus on challenges and inequalities in education, health, wealth, justice, and other sectors faced by diversified populations;

(iv) enable domestic and international educational, internship, fellowship, faculty exchange, training, employment or other innovative programs for individuals to participate in programs of the Institute; and

(v) support collaboration among institutions of higher education, including community colleges, nonprofit organizations, and corporations, to strengthen the engagement and impact of participants in the foreign affairs and foreign assistance fields; and

(vi) leverage additional public-private partnerships with nonprofit organizations, foundations, and institutions of higher education, and the Federal Government; and

(B) budget and staffing requirements, including the availability of funding, for the establishment and conduct of operations of such Centers of Excellence.

(c) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees, which shall include the findings of the study conducted pursuant to subsection (b).

SEC. 5404. INSTITUTE FOR TRANSATLANTIC ENGAGEMENT.

(a) Establishment.—Not later than 180 days after the date of the enactment of this Act, the Secretary is authorized to establish the Institute for Transatlantic Engagement (referred to in this section as the "Institute").

(b) Purpose.—The purpose of the Institute shall be to strengthen national security by highlighting, to a geographically diverse set of populations from the United States, Canada, and European nations the nature of the transatlantic relationship and the threats posed by adversarial countries, such as the Russian Federation and the People's Republic of China, to democracy, free-market economic principles, and human rights, with the aim that lessons learned from the Institute will be shared across the United States and Europe.

(c) Director.—The Institute shall be headed by a Director, who shall have expertise in transatlantic issues and an understanding of the populations in the United States and Europe.

(d) Scope and Activities.—The Institute shall—

(1) strengthen knowledge of the formation and implementation of transatlantic policies critical to national security, including the threats posed by the Russian Federation and the People's Republic of China;

(2) increase awareness of the roles of government and nongovernmental actors, such as the transatlantic community, businesses, civil society actors, academia, think tanks, and philanthropic institutions, in transatlantic policy development and execution; and

(3) increase understanding of, and interest in, international public service careers;

(4) annually invite not fewer than 30 individuals to participate in programs of the Institute;

(5) not less than 3 times annually, convene representatives of the Government of the United States, the Government of Canada, and of governments of European nations for a program offered by the Institute that is not less than 2 days in duration; and

(6) develop metrics to track the success and efficacy of the program.

(e) Eligibility to Participate.—Participants in the programs of the Institute shall include elected government officials, and representatives of the appropriate congressional committees;

(f) Selection of Participants.—

(1) United States Participants.—Participants from the United States shall be appointed in an equally divided manner by the chairpersons and ranking members of the appropriate congressional committees;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives;

(C) the Majority Leader of the Senate and the Minority Leader of the Senate;

(E) the Majority Leader of the Senate and the Minority Leader of the Senate;

(E) the Majority Leader of the Senate and the Minority Leader of the Senate.

(g) Restrictions.—Unpaid Participation.—Participants in the Institute may not be paid a salary for such participation.

SEC. 5405. INSTITUTIONS OF HIGHER EDUCATION.

(a) Establishment.—The term "Institutions of Higher Education" as used in this section shall include—

(I) institutions of higher education with programs in international relations and international studies;

(II) institutions of higher education with programs in international law and international trade;

(III) institutions of higher education with programs in international economics and related fields;

(IV) institutions of higher education with programs in international security and related fields;

(V) institutions of higher education with programs in international political science and related fields; and

(VI) institutions of higher education with programs in international business and related fields.

(b) Authorization.—The Secretary shall authorize the formation of a Coalition of Institutions of Higher Education in order to achieve the purposes of this section.

(c) Coalition.—The Coalition of Institutions shall—

(1) provide a nonpartisan forum for the exchange of ideas and information between members of the Coalition and other representatives of institutions of higher education;

(2) develop a strategy for the promotion of the Coalition and the sharing of best practices among Coalition members;

(3) provide technical assistance to Coalition members; and

(4) engage in such other activities as the Coalition deems necessary to achieve the purposes of this section.

(d) Reporting.—The Coalition shall report to the Secretary at least once every fiscal year on the activities of the Coalition and the progress of the Coalition in achieving the purposes of this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out the purposes of this section—

(1) $10,000,000 for fiscal year 2024; and

(2) such sums as may be necessary for each of the fiscal years 2025 through 2028.
(2) REIMBURSEMENT.—The Institute may pay or reimburse participants for reasonable travel, lodging, and food in connection with participation in the program.

(3) RESEARCH.—The Institute is authorized to be appropriated under subsection (b) may be used for research Projects, contracts, grants, and cooperative agreements for the United States, including commissions to companies or commercial sectors;

(b) to take all appropriate and reasonable efforts to keep their territories clear of interference, abuse, fraud, and theft;

(c) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressures;

(d) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(e) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(f) to enhance United States leadership in technological standards-setting bodies and avenues for developing norms regarding the use of digital tools.

(2) IMPLEMENTATION.—In implementing the policy described in subsection (a), the President, by and with the advice and consent of the Senate, shall—

(1) to work internationally to promote an open, interoperable, reliable, and secure internet governed by the multistakeholder model, which—

(a) promotes democracy, the rule of law, and human rights, including freedom of expression;

(b) supports the ability to innovate, communicate, and promote economic prosperity; and

(c) is designed to protect privacy and guard against deception, malign influence, incitement to violence, harassment and abuse, fraud, and theft;

(2) to promote and support the development of norms regarding the use of international law;

(3) to coordinate with relevant Federal agencies and the Office of the Director of Cyber and Intelligence Programs to enhance the diplomatic and foreign policy options available to the United States to address cyber threats;

(4) to take all appropriate and reasonable efforts to keep their territories clear of interference, abuse, fraud, and theft;

(5) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(6) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(7) to enhance United States leadership in technological standards-setting bodies and avenues for developing norms regarding the use of digital tools.

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(b) supports the ability to innovate, communicate, and promote economic prosperity; and

(c) is designed to protect privacy and guard against deception, malign influence, incitement to violence, harassment and abuse, fraud, and theft;

(2) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressures;

(3) in furtherance of the efforts described in paragraphs (1) and (2)—

(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(C) to enhance United States leadership in technological standards-setting bodies and avenues for developing norms regarding the use of digital tools.

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(c) is designed to protect privacy and guard against deception, malign influence, incitement to violence, harassment and abuse, fraud, and theft;

(2) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressures;

(3) in furtherance of the efforts described in paragraphs (1) and (2)—

(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(C) to enhance United States leadership in technological standards-setting bodies and avenues for developing norms regarding the use of digital tools.

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(b) supports the ability to innovate, communicate, and promote economic prosperity; and

(c) is designed to protect privacy and guard against deception, malign influence, incitement to violence, harassment and abuse, fraud, and theft;

(2) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressures;

(3) in furtherance of the efforts described in paragraphs (1) and (2)—

(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(C) to enhance United States leadership in technological standards-setting bodies and avenues for developing norms regarding the use of digital tools.
(xix) to support efforts by the Global Engagement Center to counter cyber-enabled information operations against the United States or its allies and partners; and

(xxi) the designation of other matters as the Secretary of State may assign.

(3) QUALIFICATIONS.—The head of the Bureau should be an individual of demonstrated competency in the fields of—

(A) cybersecurity and other relevant cyberspace and information and communications technology policy issues; and

(B) international diplomacy.

(4) ORGANIZATIONAL PLACEMENT.—

(A) INITIAL PLACEMENT.—Except as provided in subparagraph (B), the head of the Bureau shall report to the Deputy Secretary of State.

(B) SUBSEQUENT PLACEMENT.—The head of the Bureau may report to an Under Secretary of State or to an official holding a higher position than Under Secretary if, not later than 15 days before any change in such reporting structure, the Secretary of State—

(i) consults with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(ii) submits a report to such committees that—

(I) indicates that the Secretary, with respect to the reporting structure of the Bureau, consulted with and solicited feedback from—

(aa) other relevant Federal entities with a role in international aspects of cyber policy; and

(bb) the elements of the Department of State with responsibility for aspects of cyber policy, including the elements reporting to—

(A) the Under Secretary of State for Political Affairs;

(BB) the Under Secretary of State for Civilian Security, Democracy, and Human Rights;

(CC) the Under Secretary of State for Economic Growth, Energy, and the Environment;

(DD) the Under Secretary of State for Arms Control and International Security Affairs;

(EE) the Under Secretary of State for Management; and

(FF) the Under Secretary of State for Public Diplomacy and Public Affairs;

(ii) describes the new reporting structure for the Bureau and the justification for such new structure; and

(iii) includes a plan describing how the new reporting structure will better enable the head of the Bureau to carry out the duties described in paragraph (2), including the security, economic, and human rights aspects of cyber diplomacy.

(5) SPECIAL HIRING AUTHORITIES.—The Secretary of State may—

(A) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service; and

(B) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates.

(6) COORDINATION.—In implementing the duties specified in paragraph (2), the head of the Bureau shall coordinate with the heads of such Federal agencies as the National Cyber Director deems appropriate.

(7) BUREAU REPORT.—Nothing in this subsection may be construed—

(A) to preclude the head of the Bureau from being designated as an Assistant Secretary of State by virtue of the designation; or

(B) to alter or modify the number authorized under subsection (c)(1); or

(C) whether such tools have been effective deterrents.

(8) A review of tools required to conduct activities to build responsible norms of international cyber behavior.

(7) a review, in coordination with the Office of the National Cyber Director and the Office of Management and Budget, to determine the budgetary resources, technical expertise, legal authorities, and personnel available to the Department are adequate to achieve the actions and activities undertaken by the Department to support the policy described in section 5501(a);

(8) a review to determine whether the Department is properly organized and coordinated with other Federal entities to achieve the objectives described in section 5501(b); and

(9) a plan of action, developed in consultation with relevant Federal departments and agencies as the President may direct, to guide the Department with respect to the inclusion of cyber issues in mutual defense agreements.

(c) FORM OF STRATEGY.—

(1) PUBLIC AVAILABILITY.—The strategy required under subsection (a) shall be available to the public in unclassified form, including through publication in the Federal Register.

(2) CLASIFIED ANNEX.—The strategy required under subsection (a) may include a classified annex.

(d) BRIEFING.—Not later than 30 days after the completion of the strategy required under subsection (a), the Secretary shall brief the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Armed Services of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Armed Services of the House of Representatives regarding the strategy, including any material contained in a classified annex.

(e) UPDATES.—The strategy required under subsection (a) shall be updated—

(1) not later than 90 days after any material change to United States policy described in such strategy; and

(2) not later than 1 year after the inauguration of each new President.

SEC. 5504. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CYBER DIPLOMACY

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report and provide recommendations and other appropriate congressional committees that includes—

(1) an assessment of the extent to which United States diplomatic efforts and other efforts with foreign countries, including through multilateral fora, bilateral engagements, and negotiated cyberspace agreements, advance the full range of United States interests regarding cybersecurity, including the policy described in section 5501(a);

(2) an assessment of the Department’s organizational structure and approach to managing its diplomatic efforts to advance the full range of United States interests regarding cybersecurity, including a review of—

(A) the establishment of a Bureau within the Department to lead the Department’s international cyber mission;

(B) the current or proposed diplomatic mission, structure, staffing, funding, and activities of such Bureau;

(C) how the establishment of such Bureau has impacted or is likely to impact the structure and organization of the Department; and
(D) what challenges, if any, the Department has faced or will face in establishing such Bureau; and
(3) any other matters that the Comptroller General finds to be relevant.

SEC. 5505. REPORT ON DIPLOMATIC PROGRAMS TO DETECT AND RESPOND TO CYBER TREATS AGAINST ALLIES AND PARTNERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of other relevant Federal agencies, shall submit a report to the appropriate congressional committees that assesses the capabilities of the Department to provide civilian-led support for acute cyber incidents in ally and partner countries that includes—
(1) a description and assessment of the Department’s coordination with cyber programs and operations of the Department of Defense and the Department of Homeland Security;
(2) recommendations on how to improve coordination and executive of Department involvement in programs or operations to support allies and partners in responding to acute cyber incidents; and
(3) the budgetary resources, technical expertise, legal authorities, and personnel needed for the Department to formulate and implement the programs described in this section.

SEC. 5506. CYBERSECURITY RECRUITMENT AND RETENTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that improving computer programming language proficiency will improve—
(1) the cybersecurity effectiveness of the Department; and
(2) the ability of foreign service officers to engage with foreign audiences on cybersecurity matters.

(b) TECHNOLOGY TALENT ACQUISITION.—
(1) ESTABLISHMENT.—The Secretary shall establish positions within the Bureau of Global Talent Management that are solely dedicated to the recruitment and retention of Department personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy.

(2) GOALS.—The goals of the positions described in paragraph (1) shall be—
(A) to fulfill the critical need of the Department to recruit and retain employees for cybersecurity, digital, and technology positions;
(B) to actively recruit relevant candidates from academic institutions, the private sector, and related industries;
(C) to work with the Office of Personnel Management and the United States Digital Service to develop and implement best strategies for recruiting and retaining technology talent; and
(D) to inform and train supervisors at the Department on the use of the authorities listed in subsection (c) of such section.

(3) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a plan to the appropriate congressional committees that describes how the objectives and goals set forth in paragraphs (1) and (2) will be implemented.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2023 through 2027 to carry out this subsection.

(c) CIVILIAN TECHNICAL HIRING AUTHORITY.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary may, through the authority of budgetary resources, establish programs to provide academic scholarships, stipends, and fellowships to attract and retain cybersecurity professionals to the Department.

(d) REGIONAL TECHNOLOGY OFFICER PROGRAM.

(A) ESTABLISHMENT.—The Secretary shall establish a program, which shall be known as the “Regional Technology Officer Program” (referred to in this section as the “Program”).

(B) GOALS.—The goals of the Program shall include—
(1) Promoting United States leadership in technology abroad.
(2) Working with partners to increase the deployment of critical and emerging technology in support of democratic values.
(3) Shaping diplomatic agreements in regional and international fora with respect to critical and emerging technologies.
(4) Building diplomatic capacity for handling critical and emerging technology issues.
(5) Facilitating the role of critical and emerging technology in advancing the foreign policy objectives of the United States through engagement with research labs, incubators, and venture capitalists.
(6) Maintaining the advantages of the United States with respect to critical and emerging technologies.

(E) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit an implementation plan to the appropriate congressional committees that outlines strategies for—
(1) advancing the goals described in subsection (a);
(2) hiring Regional Technology Officers and increasing the competitiveness of the Program within the Foreign Service bidding process;
(3) expanding the Program to include a minimum of 15 Regional Technology Officers; and
(4) assigning not fewer than 2 Regional Technology Officers to posts within—
(A) each regional bureau of the Department; and
(B) the Bureau of International Organization Affairs.

(F) ANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall brief the appropriate congressional committees regarding the status of the implementation plan required under subsection (b).

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $0 for each of the fiscal years 2023 through 2027 to carry out this section.

SEC. 5509. VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PROGRAM REPORT.

(a) DEFINITIONS.—In this section:

(1) BUG BOUNTY PROGRAM.—The term “bug bounty program” means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.

(2) INFORMATION TECHNOLOGY.—The term “information technology” has the meaning given in section 11101 of title 40, United States Code.

(b) DISCLOSURE POLICY.—
(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Policy (referred to in this section as the “VDP”) to improve Department cybersecurity by—
(A) creating Department policy and infrastructure to receive reports of and remediate disclosed vulnerabilities in line with existing policies of the Office of Management and Budget and the Department of Homeland Security Binding Operational Directive 20–01 and subsequent directives; and
(B) providing a report on such policy and infrastructure to Congress.
 Title LVI—Public Diplomacy

SEC. 5601. United States Participation in International Fairs and Expositions.

(a) In General.—Notwithstanding section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b), and subject to subsection (b), amounts available under title I of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117-33), or under prior such Acts, may be made available to pay for expenses related to United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

(b) Limitation on Solicitation of Funds.—Senior employees of the Department, in their official capacity, may not solicit funds to pay expenses related to United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

Title LVII—Other Matters


(a) Sense of Congress.—It is the sense of Congress that—

(1) the Department should continue to eliminate the unreasonable barriers United States nationals face in employment in the United Nations Secretariat, funds, programs, and agencies; and

(2) the Department should bolster efforts to increase the number of qualified United States nationals who are candidates for leadership and oversight positions in the United Nations system, agencies, and commissions, and other international organizations.

(b) In General.—The Secretary is authorized to promote the employment and advancement of United States citizens by international organizations and bodies, including by—

(1) providing stipends, consultation, and analytical services to support United States citizen applicants; and

(2) making grants for the purposes described in paragraph (1).

(c) Using Diplomatic Programs Funding to Promote the Employment of United States Citizens by International Organizations.—Amounts appropriated under the Acts are authorized to be appropriated up to $20,000,000 to the Department for United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

(d) Strategy to Establish Junior Professional Program.—

(1) In General.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that identifies—

(A) the number of United States citizens who are involved in relevant junior professional programs in an international organization;
(B) the distribution of individuals described in subparagraph (A) among various international organizations; and
(C) the types of prededuployment training that are available to United States citizens through a junior professional program at an international organization.

SEC. 5702. INCREASING HOUSING AVAILABILITY FOR OPTF, USAGM, OR DOD EMPLOYEES ASSIGNED TO THE UNITED STATES MISSION TO THE UNITED NATIONS.

Section 905(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287e-1(2)), as amended by striking “30” and inserting “41”.

SEC. 5703. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.
The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 37. GRANTEE CORPORATE BOARDS OF DIRECTORS.

(a) IN GENERAL.—The corporate board of directors of each grantee under this title—
(1) shall be bipartisan;
(2) shall, except as otherwise provided in this Act, have the sole responsibility to operate their respective grantees within the jurisdiction of their respective States of incorporation; and
(3) shall be composed of not fewer than 5 members, who shall be qualified individuals who are not employed in the public sector; and
(4) shall appoint successors in the event of vacancies on their respective boards, in accordance with applicable bylaws.

(b) NOT FEDERAL EMPLOYEES.—No employee of any grantee under this title may be a Federal employee.

SEC. 5705. BROADCASTING ENTITIES NO LONGER REQUIRED TO CONSOLIDATE INTO A SINGLE PRIVATE, NONPROFIT CORPORATION.

Section 510 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209) is repealed.

SEC. 5706. INTERNATIONAL BROADCASTING ACTIVITIES.

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209(a)) is amended—
(1) by striking paragraph (20);
(2) by redesignating paragraphs (21), (22), and (23) as paragraphs (20), (21), and (22), respectively; and
(3) by striking paragraph (20), as redesignated, by striking "or between grantees."

SEC. 5707. GLOBAL INTERNET FREEDOM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote internet freedom through the programs of the Department and USAID that preserve and expand the internet as an open, global space for freedom of expression and association, which shall be prioritized for countries—
(1) whose governments restrict freedom of expression on the internet; and
(2) that are important to the national interest of the United States.

(b) PURPOSE AND COORDINATION WITH OTHER PROGRAMS.—Global internet freedom programs, including those described in this section—
(1) shall be coordinated with other United States foreign assistance programs that promote democracy and support the efforts of civil society;
(A) to counter the development of repressive internet-related laws and regulations, including countering threats to internet freedom at international organizations;
(B) to combat violence against bloggers and other civil society activists who utilize the internet; and
(C) to enhance digital security training and capacity building for democracy activists;
(2) shall seek to assist efforts—
(A) to research key threats to internet freedom;
(B) to continue the development of technologies that provide or enhance access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used by authoritarian governments; and
(C) to maximize the technological advantage of the Federal Government over the censorship techniques described in subparagraph (B); and
(3) shall be incorporated into country assistance and democracy promotion strategies, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2023—
(1) $75,000,000 to the Department and USAID, to continue efforts to promote internet freedom globally, and shall be matched, to the maximum extent practicable, by sources other than the Federal Government, including the private sector; and
(2) $49,000,000 to the United States Agency for Global Media (referred to in this section as the "USAGM") and its grantees, for internet freedom and circumvention technologies that are designed—
(A) for open-source tools and techniques to securely develop and distribute digital content produced by the USAGM and its grantees;
(B) to facilitate audience access to such digital content on websites that are censored;
(C) to coordinate the distribution of such digital content to targeted regional audiences; and
(D) to promote and distribute such tools and techniques, including digital security technologies;
(1) as of the date of the report—
(A) the full scope of internet freedom programs within the USAID, including—
(i) the efforts of the Office of Internet Freedom; and
(ii) the efforts of the Open Technology Fund; and
(B) the capacity of internet censorship circumvention tools supported by the Office of Internet Freedom and grantees of the Open Technology Fund that are available for use by individuals in foreign countries seeking to counteract censors; and
(C) any barriers to the provision of the efforts described in clauses (i) and (ii) of subparagraph (A), including access to surge funding; and
(A) the full scope of internet freedom programs within the USAID, including—
(i) Department circumvention efforts; and
(ii) USAID efforts to support internet infrastructure; and
(B) the capacity of internet censorship circumvention tools supported by the Federal Government that are available for use by individuals in foreign countries seeking to counteract censors; and
(C) any barriers to provision of the efforts enumerated in clauses (i) and (ii) of subsection (e)(1)(A), including access to surge funding; and
(D) any new resources needed to provide the Federal Government with greater capacity to provide and boost internet access—
(A) to respond rapidly to internet shutdowns in closed societies; and
(B) to provide internet connectivity to foreign locations where the provision of additional internet access would promote freedom from repressive regimes.

SEC. 307. GRANTEE CORPORATE BOARDS OF DIRECTORS.

SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

None of the funds authorized to be appropriated or otherwise made available to pay assessed and other expenses of international peacekeeping activities under this Act may be made available for an international peacekeeping operation that has not been expressly approved by the United Nations Security Council.

SEC. 5704. BOARDS OF RADIO FREE EUROPE/ RADIO LIBERTY, RADIO FREE ASIA, THE UNIVOCAL BROADCASTING NETWORKS, AND THE OPEN TECHNOLOGY FUND.

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 306 (22 U.S.C. 6205) the following:

"SEC. 307. GRANTEE CORPORATE BOARDS OF DIRECTORS.

(a) IN GENERAL.—The corporate board of directors of each grantee under this title—
(1) shall be bipartisan;
(2) shall, except as otherwise provided in this Act, have the sole responsibility to operate their respective grantees within the jurisdiction of their respective States of incorporation;
(3) shall be composed of not fewer than 5 members, who shall be qualified individuals who are not employed in the public sector; and
(4) shall appoint successors in the event of vacancies on their respective boards, in accordance with applicable bylaws.

(b) NOT FEDERAL EMPLOYEES.—No employee of any grantee under this title may be a Federal employee.

SEC. 5705. BROADCASTING ENTITIES NO LONGER REQUIRED TO CONSOLIDATE INTO A SINGLE PRIVATE, NONPROFIT CORPORATION.

Section 310 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209) is repealed.

SEC. 5706. INTERNATIONAL BROADCASTING ACTIVITIES.

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209(a)) is amended—
(1) by striking paragraph (20);
(2) by redesignating paragraphs (21), (22), and (23) as paragraphs (20), (21), and (22), respectively; and
(3) by striking paragraph (20), as redesignated, by striking "or between grantees."

SEC. 5707. GLOBAL INTERNET FREEDOM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote internet freedom through the programs of the Department and USAID that preserve and expand the internet as an open, global space for freedom of expression and association, which shall be prioritized for countries—
(1) whose governments restrict freedom of expression on the internet; and
(2) that are important to the national interest of the United States.

(b) PURPOSE AND COORDINATION WITH OTHER PROGRAMS.—Global internet freedom programs, including those described in this section—
(1) shall be coordinated with other United States foreign assistance programs that promote democracy and support the efforts of civil society;
(A) to counter the development of repressive internet-related laws and regulations, including countering threats to internet freedom at international organizations;
(B) to combat violence against bloggers and other civil society activists who utilize the internet; and
(C) to enhance digital security training and capacity building for democracy activists;
(2) shall seek to assist efforts—
(A) to research key threats to internet freedom;
(B) to continue the development of technologies that provide or enhance access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used by authoritarian governments; and
(C) to maximize the technological advantage of the Federal Government over the censorship techniques described in subparagraph (B); and
(3) shall be incorporated into country assistance and democracy promotion strategies, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2023—
(1) $75,000,000 to the Department and USAID, to continue efforts to promote internet freedom globally, and shall be matched, to the maximum extent practicable, by sources other than the Federal Government, including the private sector; and
(2) $49,000,000 to the United States Agency for Global Media (referred to in this section as the "USAGM") and its grantees, for internet freedom and circumvention technologies that are designed—
(A) for open-source tools and techniques to securely develop and distribute digital content produced by the USAGM and its grantees;
(B) to facilitate audience access to such digital content on websites that are censored;
(C) to coordinate the distribution of such digital content to targeted regional audiences; and
(D) to promote and distribute such tools and techniques, including digital security technologies;
under this section, such technologies must undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner that is detrimental to the interests of the United States or to the interests of individuals and organizations benefiting from programs supported by such funding.

(b) (1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated, in addition to amounts otherwise made available for such purposes, up to $2,500,000 to support internet freedom programs in closed societies, including programs that—

(A) occurred out in crisis situations by vetted entities that are already engaged in internet freedom programs;

(B) involve circumvention tools; or

(C) provide broadband for companies that received Federal funding during the previous fiscal year.

(2) CERTIFICATION.—Amounts authorized to be appropriated pursuant to paragraph (1) may not be expended until the Secretary has certified to the appropriate congressional committees, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate, that the use of such funds is in the national interest of the United States.

(i) DEFINED TERM.—In this section, the term "internet censorship circumvention tool" means a software application or other tool that an individual can use to evade foreign government restrictions on internet access.

SEC. 5708. ARMS EXPORT CONTROL ACT ALIGNMENT WITH OTHER EXPORT CONTROL REFORM ACT.

Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended—

(1) (A) by striking subsections (c), (d), (e), and (g) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act and inserting "subsections (c) and (d) of section 1760 of the Export Control Reform Act of 2018 (50 U.S.C. 4819), and by subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(7), (c), and (b) of section 1761 of such Act (50 U.S.C. 4820);"

(2) by striking "11(c)(2)(B) of such Act" and inserting "1760(c)(2) of such Act (50 U.S.C. 4819(c));"

(3) by striking "11(c) of the Export Administration Act of 1979" and inserting "1760(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4819(c));" and

(4) by striking "$500,000" and inserting "the greater of $1,200,000 or the amount that is twice the value of the transaction that is the basis of the violation with respect to which the penalty is imposed.

SEC. 5709. INCREASING THE MAXIMUM ANNUAL LEASE PAYMENT AVAILABLE WITH CONSENT BY THE SECRETARY.

Section 10(a) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 301(a)), is amended by striking "$50,000" and inserting "$100,000.

SEC. 5710. REPORT ON UNITED STATES ACCESS TO CRITICAL MINERAL RESOURCES ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that details, with regard to the Department—

(1) diplomatic efforts to ensure United States access to critical minerals acquired from outside of the United States that are used to manufacture clean energy technologies; and

(2) collaboration with other parts of the Federal Government to build a robust supply chain for critical minerals necessary to manufacture clean energy technologies.

SEC. 5711. OVERSEAS UNITED STATES STRATEGIC INFRASTRUCTURE DEVELOPMENT PROJECTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the One Belt, One Road Initiative (referred to in this section as "OBOR") exploits gaps in infrastructure development in countries to advance the People's Republic of China's own foreign policy objectives;

(2) although OBOR may meet many countries' short-term strategic infrastructure needs, OBOR—

(A) frequently places countries in debt to the PRC;

(B) contributes to widespread corruption;

(C) often fails to maintain the infrastructure that is built; and

(D) rarely takes into account human rights, labor standards, or the environment, and

the need to challenge OBOR represents a major national security concern for the United States, as the PRC's efforts to control markets and supply chains for strategic infrastructure projects, including critical and strategic minerals resource extraction, represent a grave national security threat.

(b) DEFINITIONS.—In this section—

(1) OBOR.—The term "OBOR" means the One Belt One Road global infrastructure development strategy initiated by the Government of the People's Republic of China in 2013.

(2) PRC.—The term "PRC" means the People's Republic of China.

(c) ASSESSMENT OF IMPACT TO UNITED STATES NATIONAL SECURITY OF PRC INFRASTRUCTURE PROJECTS IN THE DEVELOPING WORLD.—

(1) IN GENERAL.—The Secretary, in coordination with the Administrator, shall enter into a contract with an independent research organization to prepare the report described in paragraph (2).

(2) REPORT REQUIREMENTS.—The report described in this paragraph shall—

(A) describe the nature and cost of OBOR investments, operation, and construction of strategic infrastructure projects, including critical and strategic mineral resource extraction; and

(i) the strategic benefits of such investments that are derived by the PRC and the host nation; and

(ii) the direct impacts of such investments to the host nation and to United States interests;

(B) describe the nature and total funding of United States' strategic infrastructure investments and construction, such as projects financed through initiatives such as Prosper Africa and the Millennium Challenge Corporation;

(C) assess the national security threats posed by the foreign infrastructure investment gap between China and the United States through the inclusion of such infrastructure, such as ports, market access to, and the security of, critical and strategic minerals, digital and telecommunications infrastructure, threats to critical supply chains, and general favorability towards the PRC and the United States among the populations of host countries;

(D) assess the opportunities and challenges for companies based in the United States and companies based in United States partners and allies to invest in foreign strategic mineral resource extraction projects in critical mineral resource extraction projects in countries where the PRC has focused these types of investments;

(E) identify challenges and opportunities for the Department and United States partners and allies to more directly finance and otherwise support foreign strategic infrastructure projects, including an assessment of the authorities and capabilities of United States agencies, departments, public-private partnerships, and international strategies and bilateral or joint options to support such projects without undermining United States domestic industries, such as domestic mineral deposits.

SEC. 5712. PROVISION OF PARKING SERVICES AND RETENTION OF PARKING FEES.

The Secretary may sell goods or services and use the proceeds of such sales for administration and related support of the reception areas consistent with section 41(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2713(a)).

SEC. 5713. DIPLOMATIC RECEIPTION AREAS.

(a) DEFINED TERM.—In this section, the term "reception areas" has the meaning given such term in section 41(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2713(a)).

(b) AMOUNTS COLLECTED.—Amounts collected pursuant to the authority provided under subsection (a) may be deposited into an account in the Treasury, to remain available until expended for the purpose of this section.

SEC. 5714. CONSULAR AND BORDER SECURITY PROGRAMS VISA SERVICES COST RECOVERY PROVISION.

Section 173(d) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1713) is amended by adding at the end the following: "The amount of the machine-readable visa fee or surcharge under this subsection may also account for the cost of other consular services that are not otherwise subject to a fee or surcharge retained by the Department of State.

SEC. 5715. RETURN OF SUPPORTING DOCUMENTS FOR PASSPORT ISSUANCE THROUGH UNITED STATES POSTAL SERVICE CERTIFIED MAIL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the law, the Secretary shall establish a procedure that provides, to any individual applying for a new United States passport or to renew the United States passport, the option to have supporting documents for the application returned to the individual by the United States Postal Service through certified mail.

(b) COST.—

(1) RESPONSIBILITY.—The cost of returning supporting documents described in subsection (a) shall be the responsibility of the individual.

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(2) FEE.—The fee charged to the individual by the Secretary for returning supporting documents as described in subsection (a) shall be the sum of—
(A) a fee charged by the United States Postal Service for the service; and
(B) the estimated cost of processing the return of the supporting documents.

(3) REPORT.—The Secretary shall submit a report to the appropriate congressional committees that—
(1) describes the costs included in the processing fee under paragraph (2); and
(2) includes an estimate of the average cost per request.

SEC. 5716. REPORT ON DISTRIBUTION OF PERSONNEL AND RESOURCES RELATED TO ORDERED DEPARTURES AND POST CLOSURES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that describes—
(1) how Department personnel and resources, related to Mission Afghanistan were reallocated following the closure of diplomatic posts in Afghanistan in August 2021; and
(2) the extent to which Department personnel and resources for Mission Iraq were reallocated following ordered departures for diplomatic posts in March 2020, and how such resources were reallocated.

SEC. 5717. ELIMINATION OF OBSOLETE REPORTS.

(a) TERMINATION OF EFFECTIVENESS OF THE AUSTRALIA GROUP.—Section 2(b) of Senate Resolution 75 (105th Congress) is amended by striking subparagraph (C).

(b) TERMINATION OF THE TALIBAN.—Section 704(a)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Public Law 116–260) is amended by striking “the following purposes”—and all that follows through “(B)”.

(c) PLANS TO IMPLEMENT THE GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE.—The Gandhi-King Scholarly Exchange Initiative Act (subpart D of title III of division F of Public Law 116–260) is amended by striking section 336.

(d) PROGRESS REPORT ON JERUSALEM EMBASSY.—Section 301(k) of the Jerusalem Embassy Act of 1995 (Public Law 104–105) is amended by striking section 6.

(e) BURMA’S TIMBER TRADE.—The Tom Lantos and Ender Bacon JADE (Juxtaposition of Anti-Democratic Efforts) Act of 2008 (Public Law 110–286; 50 U.S.C. 1701 note) is amended by striking subsection (d).

(f) MONITORING OF ASSISTANCE FOR AFGHANISTAN.—Section 103 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513) is amended by striking subsection (d).

(g) PRESIDENTIAL ANTI-PEDOPHILIA CERTIFICATION.—Section 102 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–265) is amended by striking subsection (g).

(h) MICROENTERPRISE FOR SELF-RELIANCE REPORT.—Section 204(a) of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000 (Public Law 106–309; 22 U.S.C. 2462 note) is amended by striking section 304.

SEC. 5718. LOCALITY PAY FOR FEDERAL EMPLOYEES WORKING OVERSEAS UNDER DOMESTIC EMPLOYEE TELEWORKING OVERSEAS AGREEMENTS.

(a) DEFINITIONS.—In this section:
(1) CIVIL SERVICE.—The term “civil service” has the meaning given the term in section 201 of title 5, United States Code.
(2) COVERED EMPLOYEE.—The term “covered employee” means an employee who—
(A) occupies a position in the civil service; and
(B) is working overseas under a Domestic Employee Teleworking Overseas agreement.

(b) LOCALITY PAY.—The term “locality pay” means a locality-based comparability payment paid in accordance with subsection (b).

(c) NONFOREIGN AREA.—The term “nonforeign area” has the meaning given the term in section 591.205 of title 5, Code of Federal Regulations, or any successor regulation.

(d) OVERSEAS.—The term “overseas” means any geographic location that is not—
(A) the continental United States; or
(B) a nonforeign area.

(e) PAYMENT OF LOCALITY PAY.—Each covered employee shall be paid locality pay in an amount that is equal to the lesser of—
(1) the amount of a locality-based comparability payment that the covered employee would have been paid under section 5304 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or
(2) the amount of a locality-based comparability payment that the covered employee would be paid under section 1113 of the Foreign Relations Authorization Act, Fiscal Year 2009 (Public Law 111–32), as limited under section 5903a(4)(B) of this Act, if the covered employee were an eligible member of the Foreign Service (as defined in subsection (b) of such section 1113).

(f) APPLICATION.—Locality pay paid to a covered employee under this section—
(1) shall begin to be paid not later than 60 days after the date of the enactment of this Act; and
(2) shall be treated in the same manner, and subject to the same terms and conditions, as a locality-based comparability payment paid under section 5304 or 5304a of title 5, United States Code.

(g) COMPUTATION.—Notwithstanding any other provision of law, for purposes of any annuity computation under chapter 83 or 84 of title 5, United States Code, the basic pay of a covered employee shall—
(1) be considered to be the rate of basic pay that would have been paid to the covered employee had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; and
(2) include locality pay paid to the covered employee under this section.

SEC. 5719. MONITORING OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.

(a) SENSE OF CONGRESS.—(1) IN GENERAL.—The Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) is amended by inserting after section 1262 the following:

"SEC. 1262A. SENSE OF CONGRESS."

(2) ON Behalf or of, directly or indirectly, a person whose property and interests in property are blocked pursuant to this section.

(3) AN entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in paragraph (1) or (2) conducted by a foreign person;

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—
"(A) an activity described in paragraph (1) or (2) that is conducted by a foreign person; or
"(B) an entity whose property and interests in property are blocked pursuant to this section; or
"(C) an activity in which foreign persons with respect to which such sanctions have been imposed are involved.

(5) OVERSEAS.—The term "overseas" means—
(A) the amount of a locality-based comparability payment that the covered employee would have been paid under section 5304 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or
(C)辄LOWING any other provision of law, for purposes of any annuity computation under chapter 83 or 84 of title 5, United States Code.

(b) LOCALITY PAY.—Each covered employee under this section—
(1) shall be treated in the same manner, and subject to the same terms and conditions, as a locality-based comparability payment paid under section 5304 or 5304a of title 5, United States Code.

(c) APPLICABILITY.—Locality pay paid to a covered employee under this section—
(1) shall begin to be paid not later than 60 days after the date of the enactment of this Act; and
(2) shall be treated in the same manner, and subject to the same terms and conditions, as a locality-based comparability payment paid under section 5304 or 5304a of title 5, United States Code.

(d) ANNUITY COMPUTATION.—Notwithstanding any other provision of law, for purposes of any annuity computation under chapter 83 or 84 of title 5, United States Code, the basic pay of a covered employee shall—
(1) be considered to be the rate of basic pay that would have been paid to the covered employee had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; and
(2) include locality pay paid to the covered employee under this section.

SEC. 5719A. MONITORING OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.

(a) SENSE OF CONGRESS.—(1) IN GENERAL.—The Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) is amended by inserting after section 1262 the following:

"SEC. 1262A. SENSE OF CONGRESS."

(2) ON Behalf or of, directly or indirectly, a person whose property and interests in property are blocked pursuant to this section.

(3) AN entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in paragraph (1) or (2) conducted by a foreign person;

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—
"(A) an activity described in paragraph (1) or (2) that is conducted by a foreign person; or
"(B) an entity whose property and interests in property are blocked pursuant to this section; or
"(C) an activity in which foreign persons with respect to which such sanctions have been imposed are involved.

(5) OVERSEAS.—The term "overseas" means—
(A) the amount of a locality-based comparability payment that the covered employee would have been paid under section 5304 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or
(C)辄LOWING any other provision of law, for purposes of any annuity computation under chapter 83 or 84 of title 5, United States Code.

(b) LOCALITY PAY.—Each covered employee under this section—
(1) shall be treated in the same manner, and subject to the same terms and conditions, as a locality-based comparability payment paid under section 5304 or 5304a of title 5, United States Code.

(c) APPLICABILITY.—Locality pay paid to a covered employee under this section—
(1) shall begin to be paid not later than 60 days after the date of the enactment of this Act; and
(2) shall be treated in the same manner, and subject to the same terms and conditions, as a locality-based comparability payment paid under section 5304 or 5304a of title 5, United States Code.

(d) ANNUITY COMPUTATION.—Notwithstanding any other provision of law, for purposes of any annuity computation under chapter 83 or 84 of title 5, United States Code, the basic pay of a covered employee shall—
(1) be considered to be the rate of basic pay that would have been paid to the covered employee had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; and
(2) include locality pay paid to the covered employee under this section.

SEC. 5720. REPORT ON COUNTERING THE ACTIVITIES OF MALIGN ACTORS.

(a) REPORT REQUIREMENT.—(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the
Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall submit a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives regarding United States diplomatic efforts in Africa in achieving United States policy goals and countering the activities of malign actors.

(2) REPORT.—The report required under paragraph (1) shall include—

(a) case studies from Mali, Sudan, the Central African Republic, the Democratic Republic of the Congo, and South Sudan, with the goal of assessing the effectiveness of diplomatic tools during the 5-year period ending on the date of the enactment of this Act; and

(b) an assessment of—

(i) the extent and effectiveness of certain diplomatic tools to advance United States priorities in the respective case study countries, including—

(1) in-country diplomatic presence;

(2) humanitarian and development assistance;

(3) support for increased 2-way trade and investment;

(4) United States security assistance;

(5) public diplomacy; and

(6) accountability measures, including sanctions;

(ii) whether the use of the diplomatic tools described in clause (i) achieved the diplomatic ends for which they were intended; and

(iii) the means by which the Russian Federation and the People's Republic of China exploited any openings for diplomatic engagement in the case study countries.

(b) FORM.—The report required under subsection (a) shall be submitted in accordance with section 301(b) of the Supplemental Appropriations Act, 2010 (Pub. L. No. 111–32).

(c) CLASSIFIED BRIEFING REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly brief Congress regarding the report required under subsection (a).

TITL VIII.—EXTENSION OF AUTHORITIES

SEC. 5801. CONSULTING SERVICES.

Any consulting services through procurement contracts shall be limited to contracts in which performance criteria consist solely of specified responsibilities and in which the government has a record of public performance and available for public inspection, except where otherwise provided under existing law, or under existing Executive orders issued or intended to be issued under existing law.

SEC. 5802. DIPLOMATIC FACILITIES.

For the purposes of calculating the costs of providing new United States diplomatic facilities in any fiscal year, in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares for such fiscal year in a manner that is proportional to the contributions of the Department of State for this purpose.

SEC. 5803. EXTENSION OF EXISTING AUTHORITIES.

(a) EXTENSION OF AUTHORITIES.—

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by striking "September 30, 2040" and inserting "September 30, 2024".

(b) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2024.

(c) USAID CIVIL SERVICE ANNUNCIATION WAIVER.—Section 625(j)(1)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)(B)) shall be applied by striking "October 1, 2010" and inserting "September 30, 2024".

(d) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(1) IN GENERAL.—The authority provided by section 1101(b) of the Foreign Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2024.

(2) LIMITATION.—The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability pay adjustment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability pay adjustment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

(e) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Pub. L. No. 111–32)

(A) shall remain in effect through September 30, 2024; and

(B) may be used to facilitate the assignment of personnel for oversight of programs in Somalia, South Sudan, Syria, Venezuela, and Yemen.

(6) ACCOUNTABILITY REVIEW BOARDS.—The authorities provided under paragraphs (3) and (4) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4381(a)(3)) shall remain in effect for facilities in Afghanistan and for facilities in Ukraine through September 30, 2024, except that the notification and reporting requirements contained in such section shall be included in the annual reports of the appropriate committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives.

(7) DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department may waive the provisions of subsection (a) (as defined by section 1004 of the Foreign Relations Authorization Act, Public Law 110–417), on a case-by-case basis, for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same contractual or personnel matters by which the Secretary of State may exercise such waiver authority pursuant to subsection (g) of such section.

(b) EXTENSION OF APPROPRIATIONS AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect until September 30, 2024.

SEC. 5804. WAR RESERVES STOCKPILE AND MILITARY TRAINING REPORT.

(a) EXTENSION OF RESERVES STOCKPILE AUTHORITY.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–111) is amended by striking "of this section" and all that follows through the period at the end and inserting "of this section after September 30, 2024."

(b) ANNUAL FOREIGN MILITARY TRAINING REPORT.—

(1) IN GENERAL.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2161), the term "military training provided to foreign military personnel by the Department of Defense and the Department of State" shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated under section 517(b) of such Act (22 U.S.C. 2321k(b)) as a major non-North Atlantic Treaty Organization ally. Such third-country training shall be clearly identified and the report submitted pursuant to such section 656.

(b) DISTRIBUTION OF REPORT.—Section 656(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2161(e)) is amended as follows:

(3) DEFINED TERM.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Armed Services of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(b) the Committee on Appropriations of the House of Representatives; and

(c) the Committee on Armed Services of the House of Representatives.

SEC. 5805. COMMISSION ON REFORM AND MODERNIZATION OF THE DEPARTMENT OF STATE.

(a) SHORT TITLE.—This section may be cited as the "Commission on Reform and Modernization of the Department of State Act".

(b) ESTABLISHMENT OF COMMISSION.—There is established, in the legislative branch, the Commission on Reform and Modernization of the Department of State (referred to in this section as the "Commission").

(c) PURPOSES.—The purposes of the Commission are—

(1) to examine the changing nature of diplomacy in the 21st century and the ways in which the Department and its personnel can modernize to advance the interests of the United States; and

(2) to offer recommendations to the President and Congress related to—

(A) the organizational structure of the Department, including a review of the jurisdictional responsibilities of all of the Department's regional bureaus (the Bureau of African Affairs, the Bureau of East Asian and Pacific Affairs, the Bureau of European and Eurasian Affairs, the Bureau of Near Eastern Affairs, the Bureau of South and Central Asian Affairs, and the Bureau of Western Hemisphere Affairs); and

(B) personnel-related matters, including recruitment, promotion, training, and retraining of Department workforce in order to maintain the best and brightest personnel and foster effective diplomacy worldwide, including measures to strengthen diversity and inclusion to ensure that the Department's workforce represents all of America;

(C) the Department of State's infrastructure (both domestic and overseas), including infrastructure relating to information technology, transportation, and security;

(D) the link among diplomacy and defense, intelligence, development, commercial, law enforcement, and other core United States interests;

(E) core legislation that authorizes United States diplomacy, including the Foreign Service Act of 1980 (Public Law 96–465);

(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual; and

(G) treaties that impact United States overseas presence.

(d) MEMBERSHIP.—(1) The Commission shall be composed of 10 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the chairperson of the Committee on Foreign Relations of the Senate;
(C) 1 member shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(D) 1 member shall be appointed by the chairman of the Committee on Foreign Affairs of the House of Representatives;

(E) 1 member shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(F) 1 member shall be appointed by the majority leader of the Senate, who shall serve as co-chair of the Commission;

(G) 1 member shall be appointed by the Speaker of the House of Representatives;

(H) 1 member shall be appointed by the minority leader of the Senate, who shall serve as co-chair of the Commission; and

(I) 1 member shall be appointed by the majority leader of the House of Representatives.

(2) QUALIFICATIONS; MEETINGS.—

(A) MEMBERSHIP.—The members of the Commission should be prominent United States citizens, with national recognition and significant depth of experience in international relations and with the Department.

(B) POLITICAL PARTY AFFILIATION.—Not more than 2 members of the Commission may be from the same political party.

(C) MEETINGS.—

(i) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold the first meeting and begin operations as soon as practicable.

(ii) FREQUENCY.—The Commission shall meet at least 6 times in each of the calendar years during which the Commission is in existence.

(iii) QUORUM.—Six members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(iv) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(B) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such panel shall not be considered the findings and determinations of the Commission unless such findings and determinations are approved by the Commission.

(3) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(4) POWERS OF COMMISSION.—

(i) BY RESOLUTION.—The Commission or any panel or member of the Commission, as delegated by the co-chairs, may, for the purpose of carrying out this section—

(A) hold such hearings and meetings, take such testimony, receive such evidence, and administer such oaths as the Commission or such designated subcommittee or designated member considers necessary; and

(B) require the attendance and testimony of such witnesses and the production of such correspondence, memoranda, papers, and documents as the Commission or such designated subcommittee or designated member considers necessary; and

(C) subject to applicable privacy laws and regulations, access directly from the Department, USAID, the United States International Development Finance Corpora-

 tion, the Millennium Challenge Corporation, the Peace Corps, Trade Development Agency, and the United States Agency for Global Media information and data necessary to enable the Commission to carry out its duties; and

(ii) BY REGULATION.—The Commission, to such extent and in such amounts as are provided in appropriations Acts, may enter into contracts to enable the Commission to discharge its duties under this section.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure, subject to the provisions of any relevant regulations, secure directly from agencies, bureaus, boards, commissions, offices, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) HANDLING.—Information may only be received, handled, stored, and disseminated by members of the Commission and its staff in accordance with all applicable statutes, regulations, and Executive orders.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) SECURITIES.—The Secretary shall provide to the Commission, on a nonreimbursable basis, such administrative services, staff, and other support services as are necessary for the performance of the Commission’s duties under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—

Other Federal departments and agencies may provide personnel, services, staff, and other support as such departments and agencies consider advisable and authorized by law.

(5) ASSISTANCE FROM INDEPENDENT ORGANIZATIONS.—

(A) IN GENERAL.—In order to inform its work, the Commission may review records that were written during the 15-year period ending on the date of the enactment of this Act by independent organizations and outside experts relating to reform and modernization of the Commission.

(B) AVOIDING DUPLICATION.—In analyzing the reports referred to in subparagraph (A), the Commission should pay particular attention to any specific reform proposals that have been recommended by 2 or more of such reports.

(C) CONGRESSIONAL CONSULTATION.—Not less frequently than quarterly, the Commission shall provide a briefing to the Committee on Foreign Relations of the Senate and the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives regarding the work of the Commission.

(D) STAFF AND COMPENSATION.—

(1) STAFF.—

(A) COMPENSATION.—The co-chairs of the Commission, in accordance with rules established by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments and fixed pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V 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 under this section.

(B) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate Federal departments and agencies shall cooperate with the Commission in expeditiously providing to Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided access to classified information under this section without the appropriate security clearances.

(h) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit a final report to the President and to Congress that—

(A) examines all substantive aspects of Department personnel, management, and operations; and

(B) contains such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(2) ELEMENTS.—The report required under paragraph (1) shall include findings, conclusions, and recommendations related to—

(A) the organizational structure of the Department, including recommendations on whether any of the jurisdictional responsibilities among the bureaus referred to in subparagraph (B) of paragraph (1) of section 528 of the Foreign Relations and Authorization Act, 2020, are transferred to another agency; and

(B) personnel-related matters, including reform, promotion, personnel actions, and measures directly from the Department’s workforce in order to retain the best and brightest personnel and foster effective diplomacy worldwide, including measures to strengthen and inclusion to ensure that the Department’s workforce represents all of America;
(C) the Department of State’s infrastructure (both domestic and overseas), including infrastructure relating to information technology, transportation, and security;

(D) the maintenance of United States diplomatic and defense, development, commercial, health, law enforcement, and other core United States interests;

(E) (A) legislation that authorizes United States diplomacy;

(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual;

(G) treaties that impact United States overseas presence;

(H) any other areas that the Commission considers necessary for a complete appraisal of United States diplomatic and Department management and operations; and

(i) the amount of time, manpower, and financial resources that would be necessary to implement the recommendations specified under this paragraph.

(3) DEPARTMENT RESPONSE.—The Secretary, in coordination with the heads of appropriate Federal departments and agencies, shall have the right to review and respond to all Commission recommendations—

(A) before the Commission submits its report to the President and to Congress; and

(B) not later than 90 days after receiving such recommendations from the Commission.

(i) TERMINATION OF COMMISSION.—

(1) Commission.—The Commission, and all the authorities under this section, shall terminate on the date that is 60 days after the date on which the final report is submitted pursuant to subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the report.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $2,000,000 for fiscal year 2023 to carry out this section.

SA 6446. Mr. REED (for Mr. CORNYN
(45x200)FOR HIMSELF AND MR. WHITEHOUSE) sub-
mitted an amendment intended to be properly processed. SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 10101. MODERNIZING TAIWAN'S SECURITY CAPABILITIES TO DEFEND AND, IF NECESSARY, DEFEAT AGGRESSION BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) TAIWAN SECURITY PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall authorize up to $100,000,000 to be appropriated for fiscal year 2023 to implement the recommendations specified under subsection (b), including providing testimony to committees of Congress concerning its reports and disseminating the report.

(b) PURPOSE.—In addition to the purposes otherwise authorized for Foreign Military Financing programs under the Arms Export Control Act (22 U.S.C. 2751 et seq.), a purpose of the Foreign Military Financing Program should be to provide assistance, including equipment, training, and other support, to build the civilian and defensive military capabilities of Taiwan.

(1) to accelerate the modernization of self-defense capabilities that will enable Taiwan to delay, degrade, and deny attempts by People’s Liberation Army forces—

(A) to conduct coercive or grey zone activities;

(B) to blockade Taiwan; or

(C) to secure or protect any islands administered by Taiwan and additional or otherwise neutralizing or rendering ineffective Taiwan’s civilian and defense leadership.

(c) REGIONAL CONTINGENCY STOCKPILE.—Of the amounts authorized to be appropriated pursuant to subsection (g), not more than $100,000,000 may be used during each of the fiscal years 2023 through 2025 to establish a stockpile (if published under section 1002). In accordance with section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), as amended by section 1002.

(b) AVAILABILITY OF FUNDS.—

(1) ANNUAL SPENDING PLAN.—Not later than March 1, 2023, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit a plan to the appropriate committees of Congress describing how amounts authorized to be appropriated pursuant to subsection (g), if made available, would be used to achieve the purpose described in subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—Amounts authorized to be appropriated for each fiscal year pursuant to subsection (g) are authorized to be made available after the Secretary of State, in coordination with the Secretary of Defense, certifies not less than annually to the appropriate committees of Congress that Taiwan has increased its defense spending relative to Taiwan’s defense spending in its prior fiscal year, which may include support for an asymmetric strategy, excepting accounts in Taiwan’s defense budget related to personnel expenditures, other than military training and education and any funding related to the All-Out Defense Mobilization Agency.

(B) WAIVER.—The Secretary of State may waive the certification requirement under subparagraph (A) if the Secretary, in consultation with the Secretary of Defense, certifies to the Committees on Appropriations of the Senate, the Committee on Armed Services of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the House of Representatives, and the Committee on Appropriations of the House of Representatives that—

(i) Taiwan is unable to increase its defense spending relative to its defense spending in its prior fiscal year due to severe hardship; and

(ii) making available the amounts authorized under subparagraph (A) is in the national interests of the United States.

(3) REMAINING FUNDS.—Amounts authorized to be appropriated for a fiscal year pursuant to subsection (g) that are not obligated and expended during such fiscal year shall be added to the amount that may be used for Foreign Military Financing to Taiwan in the subsequent fiscal year.

(4) ANNUAL REPORT ON ADVANCING THE DEFENSE OF TAIWAN.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Armed Services of the House of Representatives.

(2) INITIAL REPORT.—Concurrently with the first certification required under subsection (d)(2), the Secretary of State and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that describes how, to the extent consistent with the United States-Taiwan defense relationship and Taiwan’s modernization of its defense capabilities, the United States-Taiwan defense partnership is integrated with the all-out defense mobilization agency.

(i) the Republic of Korea;

(ii) the Republic of China; and

(iii) the Syrian Arab Republic.

(b) D EFINITION.—Section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 1651), is amended by inserting “except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is a country of concern” before the period.”
(iii) anti-ship cruise missiles;  
(iv) land-attack cruise missiles;  
(v) coastal defense;  
(vi) antiarmor;  
(vii) non-maneuver warfare;  
(viii) survivable swarming maritime assets;  
(ix) manned and unmanned aerial systems;  
(x) intelligence, surveillance, and reconnaissance capabilities;  
(xi) command and control systems;  
(xii) other defense capabilities that the United States and Taiwan jointly determine are crucial to the defense of Taiwan;  
(C) an evaluation of the balance between conventional intervention capabilities in the defense force of Taiwan as of the date on which the report is submitted;  
(D) an assessment of steps taken by Taiwan to enhance the overall readiness of its defense forces, including—  
(i) the extent to which Taiwan is requiring and providing regular and relevant training to such forces;  
(ii) the extent to which such training is realistic to the security environment that Taiwan faces;  
(iii) the sufficiency of the financial and budgetary resources Taiwan is putting toward readiness of such forces;  
(E) an assessment of steps taken by Taiwan to enhance its cybersecurity, including any informational campaigns to raise awareness among the population of Taiwan of the risks Taiwan faces;  
(F) an evaluation of—  
(i) the severity of manpower shortages in the military of Taiwan, including in the reserve forces;  
(ii) the impact of such shortages in the event of a conflict scenario;  
(iii) the efforts made by Taiwan to address such shortages;  
(G) an assessment of the efforts made by Taiwan to boost its civilian defenses, including any informational campaigns to raise awareness among the population of Taiwan of the risks Taiwan faces;  
(H) an assessment of the efforts made by Taiwan to secure its critical infrastructure, including in transportation, telecommunications networks, and energy;  
(I) an assessment of the efforts made by Taiwan to improve its air and missile defense capability, including providing to Taiwan of defense articles and defense services, sold by the United States Government under a contract entered into prior to the date on which the report is submitted.  
(J) an assessment of the efforts made by Taiwan to address significant gaps in any of the matters described in subparagraph (A) other than cybersecurity;  
(K) an assessment of Taiwanese efforts to address significant gaps in any of the matters described in subparagraph (A) other than cybersecurity;  
(L) a description of cooperative efforts between the United States and Taiwan on the matters described in subparagraphs (A) through (J); and  
(M) a description of any resistance in Taiwan to—  
(i) implementing the matters described in subparagraphs (A) through (I); or  
(ii) United States support or engagement with regard to such matters.  
(4) SUBSEQUENT REPORTS.—Concurrently with subsequent certifications required under subsection (d)(2), the Secretary of State and the Secretary of Defense shall jointly submit updates to the initial report required under paragraph (2) that provides a description of changes and developments that occurred in the prior year.  
(F) LIMITATION ON FEE PAYMENTS.—Amendments made under any appropriation Act for any fiscal year may not be used to pay fees associated with a loan authorized under subparagraph (A).  
(D) FEES.—(i) In general.—The Government of the United States may charge fees for loans made pursuant to paragraph (A), which shall be collected from borrowers through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)));  
(ii) shall include the cost of modifying a loan authorized under subparagraph (A); and  
(iii) may include the costs of selling, re-selling, or canceling any amounts owed to the United States or to any agency of the United States.  
(2) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (g) may be made available for the purpose of a loan authorized under subparagraph (A); and  
(3) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (g) may be made available for the purpose of a loan authorized under subparagraph (A); and  
(4) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (g) may be made available for the purpose of a loan authorized under subparagraph (A); and  
(iii) may not exceed $2,000,000,000.  
(B) MAXIMUM AMOUNTS.—A loan guarantee authorized under subparagraph (A)—  
(i) may not guarantee a loan that exceeds $2,000,000,000; and  
(ii) may not exceed $2,000,000,000.  
(5) FORM.—The reports required under paragraphs (2) and (4) shall be submitted in a classified or unclassified summary.  
(6) SHARING OF SUMMARY.—The Secretary of State and the Secretary of Defense shall jointly make available for public release, or otherwise in the public domain, the classified or unclassified summary required under paragraph (5) with Taiwan, as appropriate.
NATO allies on such southern and southeastern flank.’’.

(d) ANNUAL BRIEFING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 7 years, the President shall provide a briefing to the appropriate committees of Congress regarding the status of contingency stockpile established under subsection (b).

SEC. 10103. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH TAIWAN.

The Secretary of State is authorized to provide training and education to relevant entities in Taiwan through the International Military Education and Training program (22 U.S.C. 2347 et seq).

SEC. 10104. ADDITIONAL AUTHORITIES TO SUPPORT TAIWAN.

(a) DRAWDOWNT AUTHORITY.—Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is amended, insert the following paragraph:

“(3) In addition to amounts already specified in this section, the President may direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $1,000,000,000 per fiscal year provided to Taiwan.”

(b) EMERGENCY AUTHORITY.—In section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347(c)), at the end of the section insert the following: “In addition to the aggregate value of $25,000,000 authorized in paragraph (2) of the preceding sentence, the President may direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government for the purposes of providing necessary and immediate defense services to Taiwan of a value not to exceed $25,000,000 in any fiscal year.”.

SEC. 10105. MULTI-YEAR PLAN TO FULLFILL DEFENSIVE REQUIREMENTS OF MILITARY FORCES OF TAIWAN AND MODIFICATION OF ANNUAL REPORT ON TAIWAN MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT.

(a) MULTI-YEAR PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall engage for the purposes of establishing a joint consultative mechanism with appropriate officials of Taiwan to develop a multi-year plan to provide for the acquisition of appropriate defense capabilities by Taiwan and to engage with Taiwan in a series of combined training, exercising, and other activities consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

(b) Multi-year plans required by subsection (a) shall include the following:

(1) An identification of the defensive military capability gaps and capacity shortfalls of Taiwan that are required to—

(A) allow Taiwan to respond effectively to aggression by the People's Liberation Army or other actors from the People's Republic of China; and

(B) advance a strategy of denial, reduce the threat of conflict, thwart an invasion, and mitigate other risks to the United States and Taiwan.

(2) An assessment of the relative priority assigned by appropriate departments and agencies of Taiwan to include its military to address such capability gaps and capacity shortfalls.

(3) An explanation of the annual resources committed by Taiwan to address such capability gaps and capacity shortfalls.

(4) A description and justification of the relative importance of overcoming each identified capability gap and capacity shortfall.

(5) An assessment of—

(A) the capability gaps and capacity shortfalls that could be addressed in a sufficient and timely manner by Taiwan; and

(B) the capability gaps and capacity shortfalls that are unlikely to be addressed in a sufficient and timely manner solely by Taiwan.

(6) An assessment of the capability gaps and capacity shortfalls described in paragraph (5)(B) that could be addressed in a sufficient and timely manner by—

(A) the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs of the Department of Defense; and

(B) other authorities available to the Secretary of Defense or the Secretary of State.

(7) A description of United States or Taiwan engagement with other countries that could assist in addressing in a sufficient and timely manner the capability gaps and capacity shortfalls identified pursuant to paragraph (1).

(a) an identification of opportunities to build interoperability, combined readiness, joint planning capability, and shared situational awareness between the United States, Taiwan, and other foreign partners and allies, as appropriate, through combined training exercises, and planning events, including—

(1) table-top exercises and war games that allow operational commands to improve joint and combined planning for contingencies involving a well-equipped adversary in a counter-intervention campaign;

(B) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoperability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;

(c) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;

(d) service-to-service exercise programs that build functional mission skills for addressing challenges posed by a well-equipped adversary in a counter-intervention campaign; and

(e) any other combined training, exercises, or planning events that the Secretary of Defense and Secretary of State consider relevant.

(b) An identification of options for the United States to leverage existing authorities or programs to expedite military assistance to Taiwan in the event of a crisis or conflict, including—

(1) a list of defense articles of the United States that may be transferred to Taiwan during a crisis or conflict;

(B) a list of authorities that may be used to expedite military assistance to Taiwan during a crisis or conflict;

(C) an assessment of methods that could be used to expedite military assistance to Taiwan during a crisis or conflict, including—

(i) the feasibility of employing such methods in different scenarios; and

(ii) recommendations for improving the ability of the Armed Forces to deliver such assistance to Taiwan; and

(a) an assessment of any challenges in providing such assistance to Taiwan in the event of a crisis or conflict and recommendations for addressing such challenges.

(c) ANNUAL REPORT.—An annual report required by subsection (a) shall not convene on a recurring basis and not less than annually.

SEC. 10106. FAST-TRACKING SALES TO TAIWAN UNDER FOREIGN MILITARY SALES PROGRAM.

(a) PRECLEARANCE OF CERTAIN FOREIGN MILITARY SALES ITEMS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, and in conjunction with coordinating entities such as the National Defense Policy Committee, the Arms Transfer and Technology Release Senior Steering Group, and other appropriate entities, shall compile a list of available and emerging military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Taiwan through the Foreign Military Sales program.

(b) PRECLEARANCE ITEMS.—

(a) RULE OF CONSTRUCTION.—The list compiled pursuant to paragraph (1) shall not be construed as limiting the type, timing, or quantities of items that may be sold to, transferred to, or provided to, Taiwan under the Foreign Military Sales program.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to supersede congressional notification requirements as required by the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(a) PERMISSIBLE PROCESSING OF FOREIGN MILITARY SALES REQUESTS FROM TAIWAN.—

(1) REQUIREMENT.—The Secretary of State and the Secretary of Defense shall prioritize and expedite the processing of military sales requests from Taiwan under the Foreign Military Sales program, and may not delay the processing of requests for bundling purposes.

(b) PERMISSIBLE PROCESSING OF FOREIGN MILITARY SALES REQUESTS FROM TAIWAN.—

(c) INTELLIGENCE POLICY.—The Secretary of State and the Secretary of Defense shall jointly review and update intelligence policy and implementation guidance related to Foreign Military Sales requests from Taiwan, including incorporating the preclearance provisions of this section.

SEC. 10107. EXPEDIENT DELIVERY OF ARMS EXPORTS TO TAIWAN AND UNITED STATES ALLIES IN THE INDO-PACIFIC.

(a) REPORT REQUIRED.—Not later than March 1, 2023, and annually thereafter for a period of 5 years, the Secretary of State, in consultation with the Secretary of Defense, shall transmit to the appropriate committees of Congress a report with respect to the transfer of all defense articles or defense services that have yet to be completed pursuant to the authorities provided by—

(1) section 3, 21, or 36 of the Arms Export Control Act (22 U.S.C. 2753, 2761, or 2776); or


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

(1) A list of all approved transfers of defense articles and services authorized by Congress pursuant to sections 25 and 36 of the Arms Export Control Act (22 U.S.C. 2753, 2776) with a total value of $25,000,000 or more, to Taiwan, Japan, South Korea, Australia,
the Philippines, Thailand, or New Zealand, that have not been fully delivered by the start of the fiscal year in which the report is being submitted.

(2) a description of ongoing interagency efforts to support attainment of operational capability of the corresponding defense articles and services once delivered, including advance training with United States or armed forces of partner countries on the systems or equipment; and

(3) a description of any actions the United States is taking to expedite and prioritize deliveries of defense articles and services to Taiwan, including—

(A) a description of what actions the Department of Defense have taken or are planning to take to prioritize Taiwan’s Foreign Military Sales cases;

(B) current procedures or mechanisms for determining that a Foreign Military Sales case for Taiwan should be prioritized above a sale to another country of the same or similar item; and

(C) whether the United States intends to divert defense articles from United States stocks to provide an interim capability or solution with respect to any delayed deliveries to Taiwan and the plan, if applicable, to replenish any such diverted stocks.

(5) a description of the transfer pursuant to paragraph (1) that involves multiple tranches of deliveries.

(6) a description of any actions the United States is taking to expedite and prioritize deliveries pursuant to paragraph (1); and

(7) a description of other potential actions requests that Congress could provide to improve delivery timelines or authorize the provision of interim capabilities or solutions identified pursuant to subparagraph (B); and

(B) current procedures or mechanisms for support of civilians and civilian sectors, including—

(A) greater utilization of Taiwan’s high tech labor force;

(B) the creation of clear structures and logistics support for civilian defense role allocation;

(C) recruitment and skills training for Taiwan’s defense and civilian sectors; and

(D) other defense needs and considerations at the provincial, city, and neighborhood levels;

(2) analyze Taiwan’s needs for enhancing its defensive capabilities through the support of civilians and civilian sectors, including—

(A) greater utilization of Taiwan’s high tech labor force;

(B) the creation of clear structures and logistics support for civilian defense role allocation;

(C) recruitment and skills training for Taiwan’s defense and civilian sectors; and

(D) other defense needs and considerations at the provincial, city, and neighborhood levels;

(3) analyze Taiwan’s needs for enhancing resiliency among its people and in key economic sectors;

(4) identify opportunities for Taiwan to enhance its defensive capabilities at all levels to strengthen trust and understanding between the military, other government departments, civilian agencies and the general public, including—

(A) communications infrastructure necessary to ensure reliable communications in response to a conflict or crisis; and

(B) a plan to effectively communicate to the general public in response to a conflict or crisis; and

(5) identify the areas and means through which the United States could provide training, exercises, and assistance at all levels to support the needs discovered through the assessment and fill any critical gaps where capacity falls short of needs;

(6) a plan to effectively communicate to the general public in response to a conflict or crisis; and

(7) a description of any actions the United States is taking to expedite and prioritize deliveries pursuant to paragraph (1); and

(8) a description of any actions the United States is taking to expedite and prioritize deliveries pursuant to paragraph (1).
such gaps and shortfalls within its overall defense budget.

(7) The applicability of Department of State and Department of Defense authorities for improving United States and military capabilities of Taiwan in a manner consistent with the Taiwan Relations Act.

(8) A description of any security assistance to Taiwan, including military and Direct Commercial Sales activity with Taiwan over the past year.

(9) A description of each engagement between the United States and Taiwan personnel related to planning over the past year.

(10) With respect to each to training and exercises—

(A) a description of each such instance over the past year;

(B) a description of how each such instance—

(i) sought to achieve greater interoperability, improved readiness, joint planning capability, and shared situational awareness between the United States and Taiwan, or among the United States, Taiwan, and other countries;

(ii) familiarized the militaries of the United States and Taiwan with each other; and

(iii) improved Taiwan’s defense capabilities.

(11) A description of the areas and means through which the United States is assisting and support training, exercises, and assistance to support Taiwan’s requirements related to civilian defense and resilience, and how the United States is seeking to assist Taiwan in addressing any critical gaps where capacity falls short of meeting such requirements.

(12) A description of the implications of current levels of pre-positioned war reserve materiel on the ability of the United States to respond to a crisis or conflict involving Taiwan with respect to—

(A) providing military or non-military aid to Taiwan; and

(B) sustaining military installations and other infrastructures of the United States in the Indo-Pacific region.

(13) An assessment of the current intelligence, United States and reconnaissance capabilities of Taiwan, including any existing gaps in such capabilities and investments in such capabilities by Taiwan since the preceding report.

(14) A summary of changes to pre-positioned war reserve materiel of the United States in the Indo-Pacific region since the preceding report.

(15) Any other matters the Secretary of Defense or the Secretary of State considers appropriate.

(b) Plan.—The Secretary of Defense and the Secretary of State shall jointly develop a plan for assisting Taiwan in improving its defensive military capabilities and addressing vulnerabilities identified pursuant to subsection (a) that includes—

(1) recommendations, if any, for new Department of State or Department of Defense authorities, or modifications to existing Department of State or Department of Defense authorities, necessary to improve the defensive military capabilities of Taiwan in a manner consistent with the Taiwan Relations Act (Public Law 96-6; 22 U.S.C. 3301 et seq.);

(2) an identification of opportunities for key leader and subject matter expert engagement between United States personnel and military and civilian counterparts in Taiwan; and

(3) an identification of challenges and opportunities for leveraging authorities, resources, and capabilities outside the Department of Defense and the Department of State to improve the defensive 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 thereafter through fiscal year 2027, the Secretary of State and the Secretary of Defense shall jointly 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); and

(3) a report on—

(A) the status of efforts to develop and implement the joint multi-year plan required under section 10007 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 to provide for the acquisition of appropriate defense military capabilities by Taiwan and to engage with Taiwan in a series of combined training and planning activities consistent with the Taiwan Relations Act (Public Law 96-6; 22 U.S.C. 3301 et seq.);

(B) any other matters the Secretary considers necessary.

(d) Form.—The reports required by subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(ec) Appropriate Committees of Congress Defined.—The term ‘appropriate committees of Congress’ means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

TITLE II—COUNTERING PEOPLE’S REPUBLIC OF CHINA ECONOMIC EXERTIONS AND INFORMATION OPERATIONS TARGETING TAIWAN

SEC. 10201. STRATEGY TO RESPOND TO INFLUENCE AND INFORMATION OPERATIONS TARGETING TAIWAN

(a) In General.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for the following 5 years, the President, in consultation with the Director of National Intelligence, shall develop and implement a strategy to respond to—

(1) covert, coercive, and corrupting activities carried out to advance the Chinese Communist Party’s “United Front” work, including activities directed, coordinated, or otherwise supported by the United Front Department or its subordinate or affiliated entities; and

(2) information and disinformation campaigns, cyber attacks, and nontraditional propaganda measures supported by the Government of the People’s Republic of China and the Chinese Communist Party that are directed toward persons or entities in Taiwan.

(b) Elements.—The strategy required under subsection (a) shall include descriptions of—

(1) the proposed response to propaganda and disinformation campaigns by the People’s Republic of China and cyber-intrusions targeting Taiwan, including—

(A) assistance in building the capacity of Taiwan’s public and private-sector entities to document and expose propaganda and disinformation supported by the Government of the People’s Republic of China, the Chinese Communist Party, or affiliated entities; and

(B) assistance to enhance Taiwan’s ability to defend against and respond to sharp power operations, including election interference; and

(2) media training for Taiwan officials and other Taiwan entities targeted by disinformation campaigns;

(3) the proposed response to political influence operations that include an assessment of the extent of influence exerted by the Government of the People’s Republic of China and the Chinese Communist Party in Taiwan to influence local political parties, financial institutions, media organizations, and other entities; and

(3) support for exchanges and other technical assistance to strengthen the Taiwan legal system’s ability to respond to sharp power operations; and

(4) programs carried out by the Global Engagement Center to expose misinformation and disinformation in the Chinese Communist Party’s propaganda.

SEC. 10202. STRATEGY TO COUNTER ECONOMIC COERCION BY THE PEOPLE’S REPUBLIC OF CHINA TARGETING COUNTRIES AND ENTITIES THAT SUPPORT TAIWAN

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a description of the strategy being used by the Department of State or Department of Defense to support Taiwan’s requirements related to—

(1) increased economic coercion by the People’s Republic of China’s increased response, including economic coercion, against countries which have strengthened their ties with Taiwan.

(b) Assistance for Countries and Entities Targeted by the People’s Republic of China for Economic Coercion.—The Department of State, the United States Agency for International Development, the United States International Development Finance Corporation, the Department of Commerce and the Department of the Treasury shall provide appropriate assistance to countries and entities that are subject to coercive economic practices by the People’s Republic of China.

(c) Appropriate Committees of Congress Defined.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives;

(4) the Committee on Appropriations of the House of Representatives; and

(5) the Committee on Armed Services of the House of Representatives.

SEC. 10203. CHINA CENSORSHIP MONITOR AND ACTION REPORT

(a) Definitions.—In this section:

(1) Appropriate Congressional Committees.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) Qualified Research Entity.—The term “qualified research entity” means an entity that—

(A) is a nonpartisan research organization or a Federally funded research and development center; and

(B) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(c) has been free from any financial, commercial, or other entanglements, which could undermine the independence of such report or create a conflict of interest or the appearance of a conflict of interest, with—

(1) the Government of the People’s Republic of China;
(ii) the Chinese Communist Party;  
(iii) any company incorporated in the People's Republic of China or a subsidiary of such company; or  
(iv) any non-profit company or entity incorporated outside of the People's Republic of China that is believed to have a substantial financial or commercial interest in the People's Republic of China.

(3) UNITED STATES PERSON.—The term "United States person" means—  
(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or  
(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—  
(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the "China Censorship Monitor and Action Group" (referred to in this subsection as the "Task Force").

(2) MEMBERSHIP.—The President shall take the following actions with respect to the membership of, and participation in, the Task Force:  
(A) Appoint the chair of the Task Force from among the staff of the National Security Council.  
(B) Appoint the vice chair of the Task Force from among the staff of the National Economic Council.  
(C) Direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:  
(i) The Department of State.  
(ii) The Department of Commerce.  
(iii) The Department of the Treasury.  
(iv) The Department of Justice.  
(v) The Office of the United States Trade Representative.  
(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).  
(vii) The United States Agency for Global Media.  
(viii) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—  
(A) oversee the development and execution of an integrated Federal Government strategy to monitor and address the impacts of efforts directed, or directly supported, by the Government of the People's Republic of China to censor or intimidate, in the United States and its possessions and territories, any United States person, including United States companies that conduct business in the People's Republic of China, which is directed or directly supported by the Government of the People's Republic of China.

(4) MEETINGS.—The Task Force shall meet not less frequently than twice per year.

(5) CONSULTATIONS.—The Task Force should regularly consult, to the extent necessary and appropriate, with—  
(A) Federal agencies that are not represented on the Task Force;  
(B) independent agencies of the United States Government that are not represented on the Task Force;  
(C) relevant stakeholders in the private sector and the media; and  
(D) relevant stakeholders among United States allies and partners facing similar challenges related to censorship or intimidation by the Government of the People's Republic of China.

(6) REPORTING REQUIREMENTS.—  
(A) ANNUAL REPORT.—The Task Force shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, not later than 90 days after the date of enactment of this Act, an annual report on the strategic objectives and policies referred to in clause (i); and  
(B) FORM OF REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

(c) REPORT ON CENSORSHIP AND INTIMIDATION OF UNITED STATES PERSONS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—  
(1) REPORT.—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 a report on the censorship and intimidation by the Government of the People's Republic of China; and  
(2) SUBMISSION OF REPORT.—  
(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of State shall submit the report written by the qualified research entity selected pursuant to paragraph (1)(A) to the appropriate congressional committees.

(d) S UNSET.—This section shall terminate on the date that is 5 years after the date of enactment of this Act.

TITLE III—INCLUSION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS  
SEC. 10301. PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.  
(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Taiwan's meaningful participation in international organizations.

(b) SUPPORT FOR MEANINGFUL PARTICIPATION.—The Permanent Representative of the United States to the United Nations and other relevant United States officials shall actively support Taiwan's meaningful participation in all appropriate international organizations.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate committees of Congress that—  
(1) describes the People's Republic of China's attempts to prevent Taiwan from participating in all appropriate international bodies to block Taiwan's meaningful participation and inclusion; and  
(2) recommends appropriate responses that should be taken by the United States to carry out the policy described in subsection (a).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriately committees of Congress" means—  
(1) the Committee on Foreign Relations of the Senate;  
(2) the Committee on Armed Services of the Senate;  
(3) the Committee on Appropriations of the Senate;  
(4) the Committee on Foreign Affairs of the House of Representatives;  
(5) the Committee on Appropriations of the House of Representatives; and  
(6) the Committee on Appropriations of the House of Representatives.

SEC. 10302. MEANINGFUL PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.  
(a) SENSE OF CONGRESS.—It is the sense of Congress that—  
(1) the International Civil Aviation Organization (ICAO) should allow Taiwan to meaningfully participate in the organization, including in ICAO triennial assembly sessions,
conferences, technical working groups, meetings, activities, and mechanisms;

(2) Taiwan is a global leader and hub for international aviation, with a range of expertise and resources, including the fifth busiest airport in Asia (Taoyuan International Airport), and its meaningful participation in ICAO would significantly enhance the safety and security of global aviation.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropriate committees of Congress’’ means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee of Armed Services of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

SEC. 10402. AMENDMENTS TO THE TAIWAN ALLIES INTERNATIONAL PROTECTION AND ENHANCEMENT INITIATIVE (TAIPEI) ACT OF 2019.

The Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 (Public Law 116–135) is amended—

(a) in section 2(b), by striking ‘‘and Kiribati’’ and inserting ‘‘Kiribati, and Nica-

(b) in subsection (a), by redesignating subsection (c) as subsection (b), by striking ‘‘and’’ at the end of paragraph (2), by striking ‘‘and’’ at the end of paragraph (3), by striking the period at the end of paragraph (4), by redesigning subsection (c) as subsection (b), by striking ‘‘and’’ after the comma at the end of paragraph (1), by striking ‘‘and’’ at the end of paragraph (2), by inserting ‘‘and’’ after the semicolon at the end of paragraph (3), by striking ‘‘, and’’ after the comma at the end of paragraph (4), and by redesigning subsection (d) as subsection (c);

(b) in subsection (b), by striking ‘‘and’’ after the comma at the end of paragraph (1), by striking ‘‘and’’ after the comma at the end of paragraph (2), by striking ‘‘, and’’ after the comma at the end of paragraph (3), by striking ‘‘and’’ after the comma at the end of paragraph (4), by redesigning subsection (c) as subsection (b), by striking ‘‘, and’’ after the comma at the end of paragraph (1), by striking ‘‘and’’ after the comma at the end of paragraph (2), by striking ‘‘, and’’ after the comma at the end of paragraph (3), by striking ‘‘and’’ after the comma at the end of paragraph (4), and by redesigning subsection (d) as subsection (c);

SEC. 10403. REPORT ON ROLE OF PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO TAIWAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report assessing the role of the increasing nuclear threat of the People's Republic of China in escalation dynamics with respect to Taiwan.

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

(c) FUTURE DIRECTIONS.—The report required under subsection (a) shall include—

(1) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in the Indo-Pacific region;

(2) the role of the People's Republic of China in the strategic environment and future threats to the territories of the United States, including Puerto Rico, Guam, and the Northern Mariana Islands;

(3) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in South Asia, including Afghanistan and Pakistan;

(4) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in the Middle East, including Iraq, Syria, and Iran;

(5) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in Europe, including Russia and Ukraine;

(6) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in the Western Hemisphere, including Canada and Mexico;

(7) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in Africa, including South Africa and Egypt; and

(8) any other information the Secretary of State deems appropriate.

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

(e) FUTURE DIRECTIONS.—The report required under subsection (a) shall include—

(1) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in the Indo-Pacific region;

(2) the role of the People's Republic of China in the strategic environment and future threats to the territories of the United States, including Puerto Rico, Guam, and the Northern Mariana Islands;

(3) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in South Asia, including Afghanistan and Pakistan;

(4) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in the Middle East, including Iraq, Syria, and Iran;

(5) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in Europe, including Russia and Ukraine;

(6) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in the Western Hemisphere, including Canada and Mexico;

(7) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in Africa, including South Africa and Egypt; and

(8) any other information the Secretary of State deems appropriate.

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

(g) FUTURE DIRECTIONS.—The report required under subsection (a) shall include—

(1) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in the Indo-Pacific region;

(2) the role of the People's Republic of China in the strategic environment and future threats to the territories of the United States, including Puerto Rico, Guam, and the Northern Mariana Islands;

(3) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in South Asia, including Afghanistan and Pakistan;

(4) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in the Middle East, including Iraq, Syria, and Iran;

(5) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in Europe, including Russia and Ukraine;

(6) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in the Western Hemisphere, including Canada and Mexico;

(7) the role of the People's Republic of China in the strategic environment and future threats to the forces of the United States in Africa, including South Africa and Egypt; and

(8) any other information the Secretary of State deems appropriate.

(f) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.
under subsection (a), as appropriate, with appropriate officials of allied and partners, including Taiwan and other partners in Europe and in the Indo-Pacific.

(c) Definition.—In this section, the term ‘appropriate congressional committees’ means—

(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Committee on Appropriations of the Senate;
(4) the Select Committee on Intelligence of the Senate;
(5) the Committee on Banking, Housing, and Urban Affairs of the Senate;
(6) the Committee on Foreign Affairs of the House of Representatives;
(7) the Committee on Armed Services of the House of Representatives;
(8) the Committee on Appropriations of the House of Representatives;
(9) the Permanent Select Committee on Intelligence of the House of Representatives; and
(10) the Committee on Financial Services of the House of Representatives.

TITLE V—UNITED STATES-TAIWAN PUBLIC HEALTH PROTECTION

SEC. 10501. SHORT TITLE.

This title may be cited as ‘‘United States-Taiwan Public Health Protection Act’’.

SEC. 10502. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—For the purposes of this title, the term ‘‘appropriate congressional committees’’ means—

(A) the Committee on Foreign Relations of the Senate;
(B) the Committee on Health, Education, Labor, and Pensions of the Senate;
(C) the Committee on Appropriations of the Senate;
(D) the Committee on Foreign Affairs of the House of Representatives;
(E) the Committee on Energy and Commerce of the House of Representatives; and
(F) the Committee on Appropriations of the House of Representatives.

(2) CENTER.—The term ‘‘Center’’ means the Infectious Disease Monitoring Center described in section 10503.

SEC. 10503. STUDY.

(a) STUDY.—Not later than one year after the date of enactment of this Act, the Secretary of State and the Secretary of Health and Human Services, in consultation with the heads of other relevant Federal departments and agencies, shall submit to appropriate congressional committees a study that includes the following:

(1) A description of ongoing cooperation between the United States Government and Taiwan related to public health, including public health activities supported by the United States in Taiwan.
(2) A study of the extent to which the United States and Taiwan can promote further cooperation and expand public health activities, including the feasibility and utility of establishing an Infectious Disease Monitoring Center within the American Institute of Taiwan in Taipei, Taiwan to—

(A) regularly monitor, analyze, and disseminate open-source material from countries in the region, including viral strains, bacterial subtypes, and other pathogens; and
(B) engage in people-to-people contacts with medical specialists and public health officials in the region;
(C) provide expertise and information on infectious diseases to the United States Government and Taiwanese officials; and
(D) carry out other appropriate activities, as determined by the Director of the Center.

(b) ELEMENTS.—The study required by subsection (a) shall include—

(1) a plan on how such a Center would be established and operationalized, including—

(A) an evaluation, based on the factors in paragraph (1), of whether to establish the Center; and
(B) the proposed structure and composition of the Center; and
(2) a description of any consultations or agreements between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding the establishment and operation of the Center, including—

(A) the role that employees of the Taiwan Centers for Disease Control would play in supporting or coordinating with the Center; and
(B) whether any employees of the Taiwan Centers for Disease Control would be detailed to, or co-located with, the Center;

(3) an evaluation, based on the factors in paragraph (1), of whether to establish the Center; and
(4) a description of any consultations or agreements between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding the establishment and operation of the Center, including—

(A) the role that employees of the Taiwan Centers for Disease Control would play in supporting or coordinating with the Center; and
(B) whether any employees of the Taiwan Centers for Disease Control would be detailed to, or co-located with, the Center;

(c) CONSULTATION.—The Secretary of State and the Secretary of Health and Human Services shall consult with the appropriate congressional committees before full completion of the study.

TITLE VI—RULES OF CONSTRUCTION

SEC. 10601. RULE OF CONSTRUCTION.

Nothing in this division may be construed—

(1) to restore diplomatic relations with the Republic of China; or
(2) to alter the United States Government’s position with respect to the international status of the Republic of China.

SEC. 10602. RULE OF CONSTRUCTION REGARDING THE USE OF MILITARY FORCE.

Nothing in this division may be construed as authorizing the use of military force or the introduction of United States forces into hostilities.

SA 6448. Mr. REED (for Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title G of title X, add the following:

SEC. 1077. COST-SHARING REQUIREMENTS APPLICABLE TO CERTAIN BUREAU OF RECLAMATION PROJECTS.

Section 4309 of the America’s Water Infrastructure Act of 2018 (43 U.S.C. 377b; Public Law 115–270) is amended—

(1) in the section heading, by inserting ‘‘DAMS’’ and ‘‘DIKES’’ before ‘‘DIKES’’;
(2) in subsection (a), by striking ‘‘effective beginning on the date of enactment of this section, the Federal share of the operations and maintenance costs described in subsection (b)’’ and inserting ‘‘effective during the 1-year period beginning on the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Federal share of the dam safety modifications costs of a dam or dike described in subsection (b), including repairing or replacing a gate or ancillary gate components,’’; and

(3) in subsection (b)–

(A) in the subsection heading, by inserting ‘‘DAMS AND ’’ before ‘‘DIKES’’;
(B) in the matter preceding paragraph (1), by inserting ‘‘dam or’’ before ‘‘dike’’ each place it appears; and
(C) in paragraph (2), by striking ‘‘December 31, 1945’’ and inserting ‘‘December 31, 1948’’;

SA 6450. Mr. REED (for Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

SEC. 103. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER SOVEREIGN UKRAINIAN TERRITORY.

(a) IN GENERAL.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1974) is amended—
(1) in the section heading, by striking “CRIMEA” and inserting “SOVEREIGN UKRAINIAN TERRITORY” and;

(2) in subsection (a), by striking “over Crimea and territory internationally recognized to be the sovereign territory of Ukraine, including Crimea and territory the Russian Federation claimed to have annexed in Kherson Oblast, Zaporizhzhia Oblast, Donetsk Oblast, and Luhansk Oblast”;

(b) CLERICAL AMENDMENTS.—The tables of sections in section 2(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1541) and at the beginning of title XII of such Act (135 Stat. 1566) are amended by striking the matter relating to section 234, by striking “Crimea” and inserting “sovereign Ukrainian territory”.

SA 6451. Mr. REED (for Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

Subtitle F—American Security Drone Act of 2022

SEC. 881. SHORT TITLE. This subtitle shall be cited as the “American Security Drone Act of 2022”.

SEC. 882. DEFINITIONS.

In this subtitle:

(a) COVERED FOREIGN ENTITY.—The term “covered foreign entity” means an entity included on a list developed and maintained by the Federal Acquisition Security Council. This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

(B) An entity that is subject to extraterritorial sanctions from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, the Director of National Intelligence, and the Attorney General are exempt from the restriction under section (a) if the procurement is necessary in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cyber security, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cyber security, or development of an unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement, can no longer be used alone to transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the executive official.

(b) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Department of Transportation, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration’s Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary’s designee.

(c) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the purpose of conducting safety investigations.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA’s science or management objectives.

(e) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) if the procurement is necessary for the purpose of conducting safety investigations.

(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA’s science or management objectives.

(g) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) if the procurement is necessary for the purpose of meeting NOAA’s science or management objectives.

Sec. 884. Prohibition on operation of covered unmanned aircraft systems from covered foreign entities.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is two years after the date of enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(b) APPLICATION TO CONTRACTED SERVICES.—The prohibition under paragraph (1) applies to any covered unmanned aircraft systems that are being used by any executive agency for the purpose of conducting the services of covered unmanned aircraft systems.

(c) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the procurement is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cyber security, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cyber security, or development of an unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement, can no longer be used alone to transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the executive official.

(d) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the procurement is necessary in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cyber security, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cyber security, or development of an unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement, can no longer be used alone to transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the executive official.

(e) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of conducting safety investigations.

(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of conducting safety investigations.
(2) upon notification to—
(A) the Committee on Homeland Security and Governmental Affairs of the Senate;
(B) the Committee on Oversight and Reform of the House of Representatives;
(C) other appropriate congressional committees of jurisdiction.

(g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, shall publish or submit to Congress regulations or guidance to implement this section.

SEC. 885. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATIONS OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.
(a) In General.—Beginning on the date that is two years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—
(1) to purchase a covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity; or
(2) in connection with the operation of such a drone or unmanned aircraft system.

(b) E XEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restrictions of subsection (a) if the procurement or operation is required in the national interest of the United States and—
(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft technology;
(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or
(3) is an unmanned aircraft system that, as procured or as modified after procurement but before use, can no longer be transferred to, or downloaded from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restrictions under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or the protection of public safety, including activities carried out under the Federal Aviation Administration’s Alliance for System Safety (FAA ASSURE) and the Transportation Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or the protection of public safety, as determined by the Secretary or the Secretary’s designee.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restrictions under subsection (a) if the operation or procurement is necessary for the purpose of meeting NOAA’s science or management objectives.

(e) WAIVER.—The Administrator of an Executive agency may waive the prohibition under subsection (a) on a case-by-case basis—
(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and
(2) if the operation or procurement is required in the national interest of the United States and—
(A) the Committee on Homeland Security and Government Affairs of the Senate;
(B) the Committee on Oversight and Reform of the House of Representatives; and
(C) other appropriate congressional committees of jurisdiction.

(f) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as necessary, to implement the provisions of this section pertaining to Federal contracts.

SEC. 886. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 887. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) In General.—All executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the official in their personal property accounting systems, within one year of the date of enactment of this Act, regardless of the original date of procurement due to the special monitoring and accounting measures necessary to track the items’ capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level.

(c) EXCEPTIONS.—
(1) In General.—The Department of Defense, Department of Homeland Security, Department of Justice, and Department of Transportation may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues or that are otherwise unable to be used due to requirements and low cost.

(2) The Secretary of the Navy or the Secretary of the Marine Corps, or the Administrator, or the Deputy Secretary, or Administrator, of the procuring department or agency determining, in writing, that data is not transmitted to or stored in an unmanned aircraft system.

(3) Cryptographically securing sensitive data that is collected, stored, and transmitted, including proper handling of privacy data and other controlled unclassified information.

(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of an unmanned aircraft system.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to choose with whom and where sensitive information is shared when it is required.

(c) REQUIREMENT.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to prevent, respond to and mitigate security related to use of unmanned aircraft system.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—
(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy; and
(2) the Administrator of the Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall revise applicable policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall—
(1) incorporate policies to implement the exemptions contained in this subtitle; and
(2) incorporate an exemption to the policy in the case of a head of an Executive department or agency determining, in writing, that no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination—
(A) may not be delegated below the level of the Deputy Secretary, or Administrator, of the procuring department or agency;
(B) shall specify—
(1) the quantity of end items to which the waiver applies and the procurement or procurement value of those items; and
(2) the time period over which the waiver applies, which shall not exceed three years;
(C) shall be reported to the Office of Management and Budget following issuance of such a determination; and
(D) not later than 30 days after the date on which the determination is made, shall be provided to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 889. STATE, LOCAL, AND TERRITORIAL LAW ENFORCEMENT AND EMERGENCY SERVICE EXEMPTION.
(a) RULE OF CONSTRUCTION.—Nothing in this subtitle shall prevent a State, local, or
terrestrial law enforcement or emergency service agency from procuring or operating a covered unmanned aircraft system purchased with non-Federal dollars.

(b) CREATION OF AGREEMENTS.—The Federal Government may continue entering into contracts, grants, and cooperative agreements or other Federal funding instruments with a local, or territorial law enforcement or emergency service agencies under which a covered unmanned aircraft system will be purchased or operated if the agency that received approval or waiver to purchase or operate a covered unmanned aircraft system pursuant to section 885.

SEC. 881. STUDY. (a) STUDY ON THE SUPPLY CHAIN FOR UNMANNED AIRCRAFT SYSTEMS AND COMPONENTS.—(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall provide to the appropriate congressional committees a report on the supply chain for covered unmanned aircraft systems, including a discussion of current and projected future demand for covered unmanned aircraft systems. (b) REPORT UNDER PARAGRAPH (1) SHALL INCLUDE THE FOLLOWING:— (A) A description of the current and future global and domestic market for covered unmanned aircraft systems that are commercially available except from a covered foreign entity. (B) A description of the sustainability, availability, cost, and quality of secure sources of covered unmanned aircraft systems domestically and from sources in allied and partner countries. (C) A report to the Under Secretary of Defense to address any gaps or deficiencies identified in subparagraph (B), including through the use of funds available under the Defense Production Act (50 U.S.C. 4501 et seq.) or partnerships with the National Aeronautics and Space Administration and other interested persons. (D) Such other information as the Under Secretary of Defense for Acquisition and Sustainment determines to be appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means:— (A) The Committees on Armed Services of the Senate and the House of Representatives. (B) The Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Oversight and Government Reform of the House of Representatives. (C) The Select Committees on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives. (D) The Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 882. EXCEPTIONS. (a) EXCEPTION FOR WILDFIRE MANAGEMENT OPERATIONS AND SEARCH AND RESCUE OPERATIONS.—The appropriate Federal agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 883, 884, and 885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting the full range of wildfire management operations or search and rescue operations.

(b) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—The elements of the intelligence community, in consultation with the Director of National Intelligence, are exempt from the procurement, operation, and purchase restrictions under sections 883, 884, and 885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting intelligence activities.

(c) EXCEPTION FOR TRIBAL LAW ENFORCEMENT OR EMERGENCY SERVICE AGENCY.—Tribal law enforcement or emergency service agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 883, 884, and 885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting the full range of law enforcement operations, search and rescue operations on Indian lands.

SEC. 883. SUNSET. Sections 883, 884, and 885 shall cease to have effect on the date that is five years after the date of the enactment of this Act.

SA 6452. Mr. REED (for Mr. SHELY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. INHOFE to the bill S. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1276. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY. (a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

"SEC. 182a. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY. (a) Establishment.—The Secretary of Defense may operate a Center for Excellence in Environmental Security (in this section referred to as the ‘Center’). (b) Missions.—(1) The Center shall be used to provide and facilitate education, training, and research in civil-military operations, particularly operations that require coordination between the Department of Defense and other agencies. (2) The Center shall be used to provide and facilitate education, training, and research on the following additional matters:— (1) Management of the consequences of environmental insecurity with respect to—(i) access to water, food, and energy; (ii) related health matters; and (iii) matters relating to when, how, and why those operations are conducted in a safe, healthy, water, energy, and food will cascade to economic, social, political, or national security events. (3) Appropriate roles for the reserve components in response to environmental insecurity resulting from natural disasters.

(b) Appropriate roles for the reserve components in response to environmental insecurity resulting from natural disasters. (c) Meeting requirements for information in civil-military operations for the benefit of human welfare and global disaster, including the use of advanced communications technology as a virtual library. (d) The Center shall be granted access to the data, archives, talent and physical capability of all Federal agencies to enable the development of global environmental indicators. (e) The Center shall perform such other missions as the Secretary of Defense may specify. (f) Joint Operation With Educational Institution Authorized.—The Secretary of Defense may enter into an agreement with appropriate officials of an institution of higher education to provide for operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

""(d) Acceptance of Donations.— ""(1) Except as provided in paragraph (2), the Secretary of Defense may accept, on behalf of the Center, donations to be used to defray the costs of the Center or to enhance the operation of the Center. Such donations may be accepted from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any organization that is organized under the laws of a foreign country), or any other private source in the United States or a foreign country. ""(2) The Secretary may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise— ""(A) the ability of the Department of Defense, any employee of the Department, or members of the armed forces, to carry out any responsibility or duty of the Department in a non-partisan and objective manner; or ""(B) the integrity of any program of the Department of Defense or of any person involved in such a program. ""(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign donation would have a result described in paragraph (2). ""(4) Funds accepted by the Secretary under paragraph (1) as a donation on behalf of the Center shall be credited and shall be available for the Center for the same purposes and the same period as the appropriations to which such funds were credited and shall be available for the Center.

""SEC. 182a. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.— ""(a) The Committees on Armed Services of the Senate and the House of Representatives, on behalf of Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1550. IRAN NUCLEAR WEAPONS CAPABILITY AND TERRORISM MONITORING ACT OF 2022. (a) SHORT TITLE.—This section may be cited as the "Iran Nuclear Weapons Capability and Terrorism Monitoring Act of 2022." (b) FINDINGS.—Congress makes the following findings:

(1) In the late 1980s, the Islamic Republic of Iran established the AMAD Project with the intent to manufacture 5 nuclear weapons and pursue a nuclear capability.

(2) Since at least 2002, the Islamic Republic of Iran has advanced its nuclear and ballistic
missile programs, posing serious threats to the security interests of the United States, Israel, and other allies and partners.

(3) In 2002, nuclear facilities in Natanz and Arak were revealed to the public by the National Council of Resistance of Iran.

(4) On April 11, 2006, the Islamic Republic of Iran announced that it had enriched uranium to a level close to 20 percent at the Natanz Pilot Fuel Enrichment Plant, Natanz, Iran.


(7) Hassan Rouhani stated that "Iran's Atomic Energy Organization can enrich uranium by 90 percent purity". The organization needs it, it can enrich uranium to a level close to 20 percent, and will continue its enrichment activities.

(8) Iran made public the completion of the Zolfaghar-1400, a 3 percent purity reactor.

(9) Iran has also announced its intention to continue the martyr's scientific and technological efforts in all the sectors where he was active, including nuclear and defense fields.

(10) From September 2009, the United States, the United Kingdom, and France revealed the existence of the clandestine Fordow Fuel Enrichment Plant in Iran, years after construction started on the plant.

(11) In 2010, the Islamic Republic of Iran reportedly had enriched uranium to a level of 20 percent.

(12) On March 9, 2016, the Islamic Republic of Iran launched 2 variations of the Qadr medium-range ballistic missile.

(13) On January 28, 2017, the Islamic Republic of Iran conducted a test of a medium-range ballistic missile, which traveled an estimated 600 miles.

(14) In July 2019, the US military confirmed that an Iranian missile struck an Iraqi military base where members of the United States Armed Forces were stationed, resulting in 11 of such members being treated at a US military hospital.

(15) On June 19, 2020, the International Atomic Energy Agency reported that the Islamic Republic of Iran launched a number of short- and medium-range missiles, including the "Kheibar Shekan", which has a reported range of 900 miles (1,450 kilometers) and is capable of penetrating missile defense systems.

(16) On May 30, 2020, an Iranian missile struck an Iraqi military base where members of the United States Armed Forces were stationed, resulting in 11 of such members being treated at a US military hospital.

(17) On April 17, 2021, the International Atomic Energy Agency reported that the Islamic Republic of Iran had enriched uranium to 90 percent purity, which is less than cooperative with international inspections and verification mechanisms.

(18) Iran suspended its cooperation with the International Atomic Energy Agency to monitor uranium enrichment activities at nuclear sites in the country.

(19) On February 3, 2009, the Islamic Republic of Iran confirmed the relocation of a production facility to a new site.

(20) On April 11, 2006, the Islamic Republic of Iran launched 2 variations of the Qadr medium-range ballistic missile.

(21) On December 23, 2006, the head of the Islamic Revolutionary Guards Corps Aerospace Force claimed that the military launched a solid-fuel, mobile satellite launch rocket, with implications of an intercontinental ballistic missile.

(22) On February 9, 2022, the Islamic Republic of Iran unveiled a new surface-to-surface missile, named "Kheibar Shekan", which has a reported range of 900 miles (1,450 kilometers) and is capable of penetrating missile defense systems.

(23) On March 13, 2022, the Islamic Republic of Iran launched 12 missiles into Erbil, Iraq, which struck near a consulate building of the United States in Erbil.

(24) On April 17, 2022, the Islamic Republic of Iran confirmed the relocation of a production facility for advanced centrifuges from an abnormally large facility at Karaj, Iran, to the fortified underground Natanz Enrichment Complex.

(25) On April 19, 2022, the Department of Defense released a report stating that there are "serious concerns" about the proliferation of undeclared nuclear material and activities in Iran.

(26) On May 30, 2022, the International Atomic Energy Agency reported that the Islamic Republic of Iran had achieved a stockpile of 13.4 kilograms of uranium enriched to 60 percent, a level that roughly enough material for a nuclear weapon.

(27) On June 8, 2022, the Islamic Republic of Iran launched 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts around 2,000 members of the Armed Forces of the United States.

(28) On January 31, 2022, surface-to-air interceptors of the United Arab Emirates shot down a Houthi missile fired at the United Arab Emirates during a visit by President of Brazil, Jair Bolsonaro, the first-ever visit of an Israeli President to the United Arab Emirates.

(29) On March 18, 2022, the United States Air Force deployed 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts around 2,000 members of the Armed Forces of the United States.

(30) On June 8, 2022, the United States Air Force deployed 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts around 2,000 members of the Armed Forces of the United States.

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(54) On June 8, 2022, the United States Air Force deployed 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts around 2,000 members of the Armed Forces of the United States.
(1) ESTABLISHMENT.—The Secretary of State shall establish a task force to coordinate and synthesize efforts by the United States Government regarding—
(A) the activity of the Islamic Republic of Iran or its proxies; and
(B) regional and global terrorism activity by the Islamic Republic of Iran or its proxies.
(2) COMPOSITION.—
(A) CHAIRPERSON.—The Secretary of State shall be the Chairperson of the task force.
(B) MEMBERS.—
(i) IN GENERAL.—The task force shall be composed of individuals, each of whom shall be an individual appointed to the task force by the head of one of the following agencies:
(1) The Department of State.
(2) The Office of the Director of National Intelligence.
(3) The Department of Defense.
(4) The Department of Energy.
(6) The Central Intelligence Agency.
(7) The Office of the Director of National Intelligence.
(8) The Department of Commerce.
(ii) ADDITIONAL MEMBERS.—The Chairperson may appoint to the task force additional individuals from other Federal agencies, as the Chairperson considers necessary.
(C) SUNSET.—The task force shall terminate on December 31, 2028.
(3) ACTIVITIES.—
(A) IN GENERAL.—The task force shall—
(i) establish and maintain an up-to-date database of the activities of the Islamic Republic of Iran, including information on the nation’s nuclear program; and
(ii) conduct a comprehensive review of the national security and foreign policy implications of Iran’s nuclear activities.
(B) CONTENTS.—The assessment required by subparagraph (A) shall include—
(1) a description of the activities of the Islamic Republic of Iran in violation of the Joint Comprehensive Plan of Action; and
(2) the extent to which the nuclear activities of the Islamic Republic of Iran violate international law.
(C) STATUS.—The Secretary of State shall report to the Committees on Appropriations of Congress—
(i) a description of the status of the implementation of this Act and the Department of State’s efforts to deter, disrupt, and respond to the activities of the Islamic Republic of Iran; and
(ii) a description of the impact of the activities of the Islamic Republic of Iran on the national security of the United States.
(4) INTERIM ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter, the Department of State shall submit to the Committees on Appropriations of Congress—
(A) a description of the activities of the Islamic Republic of Iran in violation of the Joint Comprehensive Plan of Action; and
(B) a description of the impact of the activities of the Islamic Republic of Iran on the national security of the United States.
(5) REPORT.—Within 120 days of the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit to the Committees on Appropriations of Congress—
(A) a description of the activities of the Islamic Republic of Iran in violation of the Joint Comprehensive Plan of Action; and
(B) a description of the impact of the activities of the Islamic Republic of Iran on the national security of the United States.
(6) FUNDING.—Not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit to the Committees on Appropriations of Congress—
(A) a description of the funding provided by the United States Government to the Islamic Republic of Iran; and
(B) a description of the impact of the funding provided by the United States Government to the Islamic Republic of Iran on the national security of the United States.
(7) COOPERATION.—The Secretary of State shall cooperate with the departments and agencies of the United States in implementing this Act.
(8) AUTHORITY.—The Secretary of State shall—
(A) use all appropriate diplomatic efforts to deter, disrupt, and respond to the activities of the Islamic Republic of Iran; and
(B) take all appropriate actions to ensure that the United States complies with the Joint Comprehensive Plan of Action.
(9) DEFINITIONS.—In this section—
(A) the term ‘Joint Comprehensive Plan of Action’ means the nuclear agreement between the United States and the Islamic Republic of Iran; and
(B) the term ‘United States’ means the United States of America.
(10) IMPLEMENTATION.—The Secretary of State shall, through the Department of State, implement this Act in coordination with other Federal agencies.

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in the Middle East and North Africa in an effort to create conditions for or shape agendas more favorable to the policies of the Government of the Islamic Republic of Iran; (vii) a description of any plots by the Islamic Republic of Iran and associated individuals or entities to engage in activities that are detrimental to the national security interests of the United States; (viii) a description of any plots by the Islamic Republic of Iran and associated individuals or entities to engage in activities that are detrimental to the national security interests of the United States citizens or the diplomatic presence of the United States in the Middle East, and the national security interests of the United States citizens abroad; (ix) a description of any plots by the Islamic Republic of Iran and associated individuals or entities to engage in activities that are detrimental to the national security interests of the United States; (F) a description of efforts to address the threat that terrorism by, or sponsored by, the Islamic Republic of Iran and associated individuals or entities poses to United States citizens; and (G) a description of efforts to address the impact of the influence of the Islamic Republic of Iran on sovereign governments on the political stability of United States citizens; (11) the diplomatic presence of the United States in the Middle East, and the national security interests of the United States. (1) the objectives of this section are—

- (1) to expediently increase domestic production of low-enriched uranium;
- (2) to expediently increase domestic production of high-assay, low-enriched uranium in a quantity determined by the Secretary, in consultation with U.S. nuclear energy companies, to be sufficient to address a reasonably anticipated supply disruption;
- (3) to ensure the availability of domestically produced, converted, and enriched uranium in a quantity determined by the Secretary, in consultation with U.S. nuclear energy companies, to be sufficient to address a reasonably anticipated supply disruption; and
- (4) to address gaps in the domestic production, conversion, enrichment, deconversion, and reduction of uranium by partnering with countries that are allies or partners of the United States if domestic options are not practicable.

(2) to ensure that, in the event of a supply disruption in the nuclear fuel market, a reserve of uranium is available to serve as a backup supply to support the nuclear non-proliferation and civil nuclear energy objectives of the Department; and

(a) a description of options to make high-assay, low-enriched uranium commercially available at the scale needed to meet the needs of advanced nuclear reactor developers; and

(b) a description of options to make low-enriched uranium commercially available at the scale needed to meet the needs of advanced nuclear reactor developers; and

(2) if domestic enrichment of high-assay, low-enriched uranium will not be commercially available at the scale needed in time to meet the needs of the advanced nuclear reactor demonstration projects of the Department, the Secretary shall consider and implement, as necessary—

- (i) the government of a country that is an ally or partner of the United States; or
- (ii) an associated individual; or
- (iii) an entity that is subject to the jurisdiction of, a country that is an ally or partner of the United States, including a corporation that is incorporated in such a country.

(C) DEFINITIONS.—In this section:

- (1) ADVANCED NUCLEAR REACTOR.—The term "advanced nuclear reactor" has the meaning given to that term in section 2001(a)(2)(F) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2)(F)).
- (2) ASSOCIATED INDIVIDUAL.—The term "associated individual" means an alien who is a national of a country that is an ally or partner of the United States; or
- (3) ASSOCIATED ENTITY.—The term "associated entity" means an entity that—

(a) is owned, controlled, or dominated by—

(i) the government of a country that is an ally or partner of the United States; or

(ii) an associated individual; or

(iii) an entity that is subject to the jurisdiction of, a country that is an ally or partner of the United States, including a corporation that is incorporated in such a country.

- (4) DEPARTMENT.—The term "Department" means the Department of Energy.
- (5) HIGH-ASSAY, LOW-ENRICHED URANIUM; HLAEU.—The term "high-assay, low-enriched uranium" or "HLAEU" means high-assay low-enriched uranium (as defined in section 2001(d) of the Energy Act of 2020 (42 U.S.C. 16281(d))).
- (6) HIGHLIGHT.—The term "highlight" means high-assay low-enriched uranium (as defined in section 3102 of the USEC Privatization Act (42 U.S.C. 2297h)); and
(B) low-enriched uranium (as defined in section 3112(a)(1) of that Act (42 U.S.C. 229b–10a(a)));

(8) PROGRAMS.—The term “Program” means—

(A) the Nuclear Fuel Security Program established under subsection (d)(1);

(B) the American Assured Fuel Supply Program of the Department; and

(C) the HALEU for Advanced Nuclear Reactor Demonstration Projects Program established under subsection (d)(3).

(9) The term “Secretary” means the Secretary of Energy.

(10) U.S. NUCLEAR ENERGY COMPANY.—The term “U.S. nuclear energy company” means a company that—

(A) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States;

(B) is involved in the nuclear energy industry;

(c) ESTABLISHMENT AND EXPANSION OF PROGRAMS.—The Secretary, consistent with the objectives described in subsection (b), shall—

(1) establish a program, to be known as the “Nuclear Fuel Security Program”, to increase the quantity of LEU and HALEU produced by U.S. nuclear energy companies;

(2) expand the American Assured Fuel Supply Program of the Department to ensure the availability of domestically produced, converted, and enriched uranium in the event of a supply disruption; and

(3) establish a program, to be known as the “HALEU for Advanced Nuclear Reactor Demonstration Projects Program”—

(A) to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers until such time that commercial enrichment and deconversion capability for HALEU exists in the United States, at a scale sufficient to meet future needs; and

(B) where practicable, to partner with countries that are allies or partners of the United States to meet those needs and schedules until that time.

(d) NUCLEAR FUEL SECURITY PROGRAM.—(1) IN GENERAL.—In carrying out the Nuclear Fuel Security Program, the Secretary—

(A) shall—

(i) not later than 180 days after the date of enactment of this Act, enter into 2 or more contracts with members of the consortium to begin acquiring not less than 10 metric tons per year of LEU by December 31, 2023 (or the earliest operationally feasible date thereafter), to ensure diverse domestic uranium mining, conversion, enrichment, deconversion, and reduction capacity and technology, including new capacity, among U.S. nuclear energy companies;

(ii) not later than 180 days after the date of enactment of this Act, enter into 2 or more contracts with members of the consortium to begin acquiring not less than 20 metric tons per year of HALEU by December 31, 2027 (or the earliest operationally feasible date thereafter), from U.S. nuclear energy companies;

(iii) use only uranium produced, converted, and enriched in the United States; and

(iv) if domestic options are not practicable, a country that is an ally or partner of the United States; and

(B)(i) may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6386 of title 42, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—

(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or

(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (1)(B); and

(ii) may make a commitment described in clause (i) only—

(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is recorded as an obligation at the time that the commitment is made;

(II) to the extent of that up-front obligation recorded in full at that time.

(2) CONSIDERATIONS.—In carrying out paragraph (1)(a), the Secretary shall consider and, if appropriate, implement—

(A) options to ensure the quickest availability of commercially enriched HALEU, including—

(i) partnerships between 2 or more commercial enrichers; and

(ii) utilization of up to 10 percent enriched uranium fuel that is in nonnuclear or commercial HALEU enrichment facilities;

(B) options to partner with countries that are allies or partners of the United States to provide LEU and HALEU for commercial purposes;

(C) options that provide for an array of HALEU—

(i) enrichment levels;

(ii) output levels to meet demand; and

(iii) fuel forms, including uranium metal and oxide; and

(D) options—

(i) to replenish, as necessary, Department stockpiles of uranium that was intended to be demonstrably nonproliferative, but was instead used in carrying out activities under the HALEU for Advanced Nuclear Reactor Demonstration Projects Program; (ii) to continue supplying HALEU to meet the needs of the recipients of an award made pursuant to the funding opportunity announcement of the Department numbered DE-FOA-0002271 for Pathway 1, Advanced Reactor Demonstrations, with the awards made pursuant to the funding opportunity announcement of the Department numbered DE-FOA-0002271 for Pathway 1, Advanced Reactor Demonstrations; and

(iii) to make HALEU available to other advanced nuclear reactor developers and other end-users.

(3) AVOIDANCE OF MARKET DISRUPTIONS.—In carrying out the Nuclear Fuel Security Program, the Secretary, to the extent practicable and consistent with the purposes of that program, shall not disrupt or replace market mechanisms by competing with U.S. nuclear energy companies;

(e) EXPANSION OF THE AMERICAN ASSURED FUEL SUPPLY PROGRAM.—The Secretary, in consultation with U.S. nuclear energy companies, shall—

(1) expand the American Assured Fuel Supply Program of the Department by merging the operations of the Uranium Reserve Program of the Department with the American Assured Fuel Supply Program; and

(2) in carrying out the American Assured Fuel Supply Program of the Department, as expanded under paragraph (1)—

(A) maintain, replenish, diversify, or increase the quantity of uranium made available by that program in a manner determined by the Secretary to be consistent with the purposes of that program and the objectives described in subsection (b);

(B) utilize only uranium produced, converted, and enriched in—

(i) the United States; or

(ii) if domestic options are not practicable, a country that is an ally or partner of the United States;

(C) make uranium available from the American Assured Fuel Supply, subject to terms and conditions determined by the Secretary to be reasonable and appropriate;

(D) refill and expand the supply of uranium in the American Assured Fuel Supply, in part by maintaining inventories of uranium to address a potential event in which a domestic or foreign recipient of uranium experiences a supply disruption for which uranium cannot be obtained through normal market mechanisms or under normal market conditions; and

(E) take other actions that the Secretary determines to be necessary or appropriate to address the purposes of that program and the objectives described in subsection (b).

(f) HALEU FOR ADVANCED NUCLEAR REACTOR DEMONSTRATION PROJECTS PROGRAM.—

(1) ACTIVITIES.—On enactment of this Act, the Secretary shall immediately accelerate and, as necessary, initiate activities to make available from inventories or stockpiles owned by the Department and made available to the consortium, HALEU for use in advanced nuclear reactor developers; and

(2) REQUIREMENTS.—In carrying out activities under this subsection, the Secretary shall—

(A) by September 30, 2024, not less than 3 metric tons of HALEU;

(B) by December 31, 2025, not less than an additional 8 metric tons of HALEU; and

(C) by June 30, 2026, not less than an additional 10 metric tons of HALEU.

(g) FACTORS FOR CONSIDERATION.—In carrying out activities under this subsection, the Secretary shall take into consideration—

(A) options for providing HALEU from a stockpile of uranium owned by the Department, including—

(i) uranium that has been declared excess to national security needs during or prior to fiscal year 2022;

(ii) uranium that—

(I) directly meets the needs of advanced nuclear reactor developers; and

(II) has not been previously used or fabricated for another purpose;

(iii) uranium that can meet the needs of advanced nuclear reactor developers after reprocessing and limiting inventories that resulted from previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department, inventories that reduce the environmental liability of the Department by accelerating the processing of uranium from stockpiles designated as waste;

(iv) uranium from a high-enriched uranium stockpile, which can be blended with lower assay uranium to become HALEU to meet the needs of advanced nuclear reactor developers; and

(v) uranium from stockpiles intended for other purposes (excluding stockpiles intended for national security needs), but for which uranium could be swapped or replaced in time in such a manner that would not negatively impact the missions of the Department;

(B) options for expanding, or establishing new, capabilities or infrastructure to support...
the processing of uranium from Department inventories.

(C) options for accelerating the availability of HALEU from HALEU enrichment demanufacturing facilities of the Department.

(D) options for providing HALEU from domestically enriched HALEU procured by the Department through a competitive process pursuant to the Nuclear Fuel Security Program established under subsection (d)(1);

(E) options to replenish, as needed, Department stockpiles of uranium made available pursuant to paragraph (A) with domestically enriched HALEU procured by the Department through a competitive process pursuant to the Nuclear Fuel Security Program established under subsection (d)(1); and

(F) options that combine 1 or more of the approaches described in subparagraphs (A) through (E) to meet the deadlines described in paragraph (2).

(4) LIMITATIONS.—

(A) CERTAIN SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to—

(i) the final disposition of radioactive waste that is the subject of a contract for sale, resale, transfer, or lease under this subsection; or

(ii) environmental cleanup activities.

(B) LIMITATIONS.—In carrying out activities under this subsection, the Secretary—

(i) may not make commitments under this subsection (including cooperative agreements used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment for the purchase or other acquisition of HALEU or LEU unless—

(1) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or

(2) the funding is incurred entirely by funds made available to the Secretary from the account described in subsection (i)(2)(B); and

(ii) may make a commitment described in clause (i) only—

(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and

(II) to the extent of that up-front obligation recorded at that time. (5) AUTHORITY.—The Secretary to carry out activities under this subsection shall terminate on the date on which the Secretary notifies Congress that the HALEU needs of advanced nuclear reactor developers can be fully met by commercial HALEU suppliers in the United States, as determined in consultation with U.S. nuclear energy companies.

(h) DOMESTIC SOURCING CONSIDERATIONS.—

(I) IN GENERAL.—Except as provided in paragraphs (6), the Secretary may only carry out an activity in connection with 1 or more of the Programs if—

(A) the activity promotes manufacturing in the United States associated with uranium supply chains; or

(B) the activity relies on resources, materials, or equipment developed or produced—

(1) in the United States;

(2) in a country that is an ally or partner of the United States by—

(I) the government of that country;

(II) an energy utility;

(III) a U.S. nuclear energy company.

(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) with respect to an activity if the Secretary determines a waiver to be necessary to achieve 1 or more of the objectives described in subsection (b).

(1) REASONABLE COMPENSATION.—

(I) IN GENERAL.—In carrying out activities under this section, the Secretary shall ensure that any LEU and HALEU made available pursuant to 1 or more of the Programs is subject to reasonable compensation, taking into account the fair market value of the LEU or HALEU and the purposes of this section.

(2) AVAILABILITY OF CERTAIN FUNDS.—

(A) IN GENERAL.—Notwithstanding section 392(b) of title 31, United States Code, revenues received by the Secretary from the sale or transfer of fuel feed material acquired by the Secretary pursuant to a contract entered into under clause (i) or (ii) of subsection (e)(1)(A) shall—

(i) be deposited in the account described in subparagraph (B); and

(ii) be available to the Secretary for carrying out the purposes of this section, to reduce the need for further appropriations for those purposes; and

(iii) remain available until expended.

(B) REVOLVING FUND.—There is established in the Treasury an account into which the revenues described in paragraph (A) shall be—

(i) deposited in accordance with clause (i) of that subparagraph; and

(ii) made available in accordance with clauses (ii) and (iii) of that subparagraph.

(C) NUCLEAR REGULATORY COMMISSION.—The Nuclear Regulatory Commission shall prioritize and expedite consideration of any action relating to the creation to the extent permitted under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and related statutes.

(D) USEC PRIVATIZATION ACT.—The requirements of section 3112 of the USEC Privatization Act (42 U.S.C. 2297h-10) shall not apply to activities related to the Programs.

(E) NUCLEAR REGULATORY COMMISSION.—The Secretary shall only make available to a member of the consortium under this section for commercial use or use in a demonstration project material that the President has determined is not necessary for national security needs, subject to the condition that the material may be transferred to the Secretary to be necessary for the National Nuclear Security Administration or any critical mission of the Department.

(m) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

(n) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available, there are authorized to be appropriated to the Secretary—

(1) for the Nuclear Fuel Security Program, $3,500,000,000 for fiscal year 2023, to remain available until September 30, 2031, of which the Secretary may use $1,000,000,000 by September 30, 2028, to carry out the HALEU for Advanced Nuclear Reactor Demonstration Projects Program; and

(2) for the American Assured Fuel Supply Program of the Department, as expanded under this section, such sums as are necessary for the period of fiscal years 2023 through 2030, to remain available until September 30, 2031.

SEC. 3. ISOPOTE DEMONSTRATION AND ADVANCED NUCLEAR RESEARCH INFRASTRUCTURE ENHANCEMENT.

(a) EVALUATION AND ESTABLISHMENT OF ISOPOTE DEMONSTRATION PROGRAM.—Section 953A of the Energy Policy Act of 2005 (42 U.S.C. 1627aaa(2)) is amended by striking—

(A) ‘‘technical feasibility of the establishment of the activity’’; and

(B) ‘‘significant and economic feasibility of, and, if feasible, is authorized to establish’’.

(b) ADVANCED NUCLEAR RESEARCH INFRASTRUCTURE ENHANCEMENT.—Section 954(a)(5) of the Energy Policy Act of 2005 (42 U.S.C. 1627f(aa)(5)) is amended—

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

(2) by inserting after subparagraph (D) the following:

‘‘(E) FUEL SERVICES.—The Secretary shall expand the Research Reactor Infrastructure subprogram of the Radiological Facilities Management program of the Department carried out under paragraph (6) to provide fuel services to research reactors established under this paragraph.’’.

SEC. 3. REPORT ON CIVIL NUCLEAR CREDIT PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report that identifies the anticipated funding requirements for the civil nuclear credit program described in section 4633 of the Infrastructure Investment and Jobs Act (42 U.S.C. 1705), taking into account—

(1) the zero-emission nuclear power production credit authorized by section 45U of the Internal Revenue Code of 1986; and

(2) any increased fuel costs associated with the use of domestic fuel that may arise from the implementation of that program.

SA 6455. Mr. REED (for Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 5199 proposed by Mr. REED (for himself and Mr. INHOFFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. OFFICE OF CIVIL RIGHTS AND INCLUSION.

(a) SHORT TITLE.—This section may be cited as the ‘‘Achieving Fairness in Disaster Recovery, and Resilience Act of 2022’’.

(b) ESTABLISHMENT OF OFFICE.—Section 513 of the Homeland Security Act of 2002 (6 U.S.C. 221b) is amended to read as follows:

‘‘SEC. 513. OFFICE OF CIVIL RIGHTS AND INCLUSION.

‘‘(a) DEFINITIONS.—In this section—

(1) ‘‘the term ‘appropriate committees of Congress’ means—

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

(B) the Committee on Transportation and Infrastructure, the Committee on Oversight and Reform, and the Committee on Homeland Security of the House of Representatives;

(2) the term ‘Director’ means the Director of the Office of Civil Rights and Inclusion;

(3) the term ‘disaster assistance’ means assistance provided under titles IV and V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.);

(4) the term ‘Office’ means the Office of Civil Rights and Inclusion; and

(5) the term ‘underserved community’ means—

(A) a rural community;

(B) a low-income community;

(C) the disability community;

(D) the Native American, Alaska Native, and Native Hawaiian communities; and

(E) the African-American community;
“(F) the Asian community;
(G) the Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin) community;
(H) the Middle Eastern and North African community; and
(J) any other historically disadvantaged communities determined by the Director.

(2) OFFICE OF CIVIL RIGHTS AND INCLUSION.—

(1) IN GENERAL.—The Office of Equal Rights shall, on and after the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined by the Administrator.

(2) REFERENCES.—Any reference to the Office of Equal Rights of the Agency in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Office of Civil Rights and Inclusion.

(c) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall report to the Administrator.

(2) REQUIREMENT.—The Director shall have expertise and experience in civil rights, underserved community inclusion research, disaster preparedness, or resilience disparities elimination.

(d) PURPOSE.—The purpose of the Office is to—

(1) improve underserved community access to disaster assistance;

(2) improve the quality of disaster assistance received by underserved communities;

(3) eliminate underserved community disparities in the delivery of disaster assistance;

(4) carry out such other responsibilities of the Office of Equal Rights as in effect on the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined by the Administrator.

(e) AUTHORITIES AND DUTIES.—

(1) IN GENERAL.—The Director shall be responsible for—

(A) improving—

(i) underserved community access to disaster assistance before and after a disaster; and

(ii) the quality of Agency assistance underserved communities receive;

(B) improving—

(i) preparedness, response, and recovery programs and activities of the Agency to ensure the elimination of underserved community disparities in the delivery of such programs and activities; and

(ii) carrying out such other responsibilities of the Office of Equal Rights as in effect on the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined by the Administrator.

(2) REDUCING DISPARITIES IN PREPAREDNESS, RESPONSE, RECOVERY.—

(A) IN GENERAL.—The Director shall develop measures to evaluate the effectiveness of the activities of program offices in the Agency and the activities of the Agency and the activities of recipients aimed at reducing disparities in the services provided to underserved communities.

(B) REQUIREMENT.—The measures developed under subparagraph (A) shall—

(i) evaluate community outreach activities, language services, workforce competence, historical assistance for grants and loans, and other activities aimed to underserved businesses, local, tribal, and territorial governments, the effects of disaster declaration thresholds on underserved communities, the percentage of contracts awarded to underserved businesses, and other matters relating to individuals with disabilities in emergency preparedness, recovery, and mitigation and to eliminate underserved community disparities in the delivery of disaster assistance, as described in subsection (d), the Administrator shall submit to the Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) a narrative on activities conducted by the Office;

(B) the results of the measures developed to evaluate the effectiveness of activities aimed at reducing preparedness, response, and recovery disparities; and

(C) the number and types of allegations of unequal disaster assistance investigated by the Director or referred to other appropriate offices.

(3) AUTHORIZATION OF APPROPRIATIONS.—

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

(4) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 513 (6 U.S.C. 744);

(5) EFFECTIVE DATE.—This part, subpart A, and the amendments made by this part, subpart A, shall take effect on the date of enactment of this title.
communities the Office of Civil Rights and Inclusion identifies as disproportionately impacted by COVID-19.

(2) *FACA APPLICABILITY.*—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any consultation conducted under paragraph (1).

**SA 6456. Mr. REED (for Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1077. DEFINITION OF LAND USE REVENUE UNDER WEST LOS ANGELES LEASING ACT OF 2016.**

Section 2d(2) of the West Los Angeles Leasing Act of 2016 (Public Law 114-226) is amended—

(1) in subparagraph (A), by striking ‘‘;’’ and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph: ‘‘(B) to the extent specified in advance in an appropriations Act for a fiscal year, any funds received as compensation for an easement described in subsection (e);’’.

**SA 6457. Mr. REED (for Mr. OSSOFF (for himself and Mr. SCOTT of South Carolina)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1077. HBCU RISE.**

(a) *DEFINITIONS.*—In this section:

(1) the term ‘‘eligible institution’’ means a historically Black college or university or other minority-serving institution that is classified as a high research activity status institution at the time of application for a grant under this section;

(2) the term ‘‘high research activity status’’ means R2 status, as classified by the Carnegie Classification of Institutions of Higher Education;

(3) the term ‘‘historically Black college or university’’ has the meaning given the term ‘‘Black college or university’’ under section 220 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) and section 230 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81).

(b) *PROGRAM.*—In establishing such program, the Secretary may consider the recommendations of the Committee established by section 362 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) and section 230 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81).

(c) *PROGRAM COMPONENTS.*—

(A) ELEMENTS.—The Secretary may consider aspects of the program that address—

(i) faculty professional development;

(ii) stipends for undergraduate and graduate students and post-doctoral scholars;

(iii) laboratory equipment and instrumentation;

(iv) recruitment and retention of faculty and graduate students;

(v) communication and dissemination of products produced as part of the program;

(vi) construction, modernization, rehabilitation, or retrofitting of facilities for research purposes; and

(vii) other activities necessary to build capacity in achieving very high research activity status indicators.

(B) *PRIORITY AREAS.*—The Secretary shall establish and update, on an annual basis, a list of research priorities for STEM and critical technologies appropriate for the program established under this section.

(c) *EVALUATION.*—Not later than 2 years after the date of the enactment of this section and every 2 years thereafter until the termination of the program, the Secretary shall prepare and submit a report to the Committees on Armed Services of the Senate and the House of Representatives providing an update on the program, including—

(1) activities carried out under the program;

(2) an analysis of the growth in very high research activity status indicators for eligible institutions that participated in the program under this section; and

(3) emerging research areas of interest to the Department of Defense and to eligible institutions that participated in the program under this section.
(d) TERMINATION.—The program established by this section shall terminate 10 years after the date on which the Secretary establishes such program.

(e) REPORT TO CONGRESS.—Not later than 180 days after the termination of the program under subsection (d), the Secretary shall prepare and submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the program that includes the following:

(1) An analysis of the growth in very high research activity status indicators of eligible institutions that participated in the program under this section.

(2) An evaluation on the effectiveness of the program in increasing the research capacity of eligible institutions that participated in the program under this section.

(3) A description of how institutions that have achieved or are eligible for high research activity status plan to sustain that status beyond the duration of the program.

(4) An evaluation of the maintenance of very high research status by eligible institutions that participated in the program under this section.

(5) An evaluation of the effectiveness of the program in increasing the diversity of students conducting high quality research in unique areas.

(b) PROGRAM.—The program authorized by this section shall be renewed or expanded.

SA 6459. Mr. REED (for Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for military activities of the Department of Energy, to continue working with defense officials of the United States Armed Forces through the Secretarial Designee Program; and to continue working with defense officials of Ukraine, and as necessary with other governmental and private sources, to fund transport and medical facilities of the United States Armed Forces through the Secretarial Designee Program; and

(2) BRIEFING.—(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall assess, and provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on, whether there is an appropriate role for the Extremity Trauma and Amputation Center of Excellence or the National Intrepid Center of Excellence of the Department of Defense in helping the Government of Ukraine in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and traumatic brain injuries sustained in Ukraine.

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

(A) An assessment of the extent to which the Extremity Trauma and Amputation Center of Excellence or the National Intrepid Center of Excellence of the Department of Defense can facilitate relevant scientific research aimed at saving injured extremities, for military activities of the Department of Defense in helping the Government of Ukraine in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and traumatic brain injuries.

(B) An identification of specific activities such Centers could feasibly undertake to improve and enhance the efforts of the Government of Ukraine in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and traumatic brain injuries.

(C) A determination whether there are other governmental agencies, institutions of higher education, or public or private entities, including international entities, with which such Centers could partner for the purpose of addressing the current medical needs of Ukraine.

SEC. 1205. MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM AND IRREGULAR WARFARE FELLOWSHIP PROGRAM AND PLAN FOR IRREGULAR WARFARE CENTER.

(a) MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM AND IRREGULAR WARFARE FELLOWSHIP PROGRAM AND PLAN FOR IRREGULAR WARFARE CENTER.—

(1) IN GENERAL.—Section 345 of title 10, United States Code, is amended—

(A) in the section heading, by striking ‘‘Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program’’ and inserting ‘‘Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program’’;

(B) PROGRAM.—The program authorized by this section shall be known as the ‘‘Irregular Warfare Center’’.; and

(C) DESIGNATIONS.—

(i) CENTER.—The center authorized by this section shall be known as the ‘‘Irregular Warfare Center’’.

(ii) STRATEGIC COMPETITION.—The mission of the Irregular Warfare Center shall be to support the institutionalization of irregular warfare as a core competency of the Department of Defense by

(A) coordinating and aligning Department of Defense education curricula, standards, and objectives related to irregular warfare and strategic competition;

(B) providing a center for research on irregular warfare, strategic competition, and the role of the Department of Defense in supporting interagency activities relating to irregular warfare and strategic competition;

(C) engaging and coordinating with Federal departments and agencies other than the Department of Defense, and with academia, nongovernmental organizations, civil society, and international partners to discuss and coordinate efforts on security challenges in irregular warfare and strategic competition;

(D) developing curriculum and conducting training and education of military and civilian participants of the United States and other countries, as determined by the Secretary of Defense; and

(E) serving as a coordinating body and central repository for irregular warfare resources, including educational activities and programs, and lessons learned across components of the Department of Defense.

(2) EMPLOYMENT AND COMPETITION OF FACULTY.—With respect to the Irregular Warfare Center—

(A) the Secretary of Defense may employ a Director, a Deputy Director, and such other officers, as determined by the Secretary.

(B) compensation of individuals employed under this paragraph shall be as prescribed by the Secretary.

Climate change is a threat to national security, and the United States must take action to mitigate its effects on national security.

The passage does not directly address the need for increased funding or specific legislation, but it emphasizes the importance of research and education in addressing the challenges posed by climate change and irregular warfare. The bill introduces amendments to existing programs to enhance their effectiveness and to adapt to new threats, particularly those related to irregular warfare and terrorism.

This legislation is intended to support the Department of Defense and other governmental agencies in their efforts to mitigate the impacts of climate change on national security. It seeks to strengthen the role of these agencies in addressing the complex and evolving threats posed by climate change, ensuring that the United States is prepared to respond to these challenges and to protect its citizens and interests abroad.
(3) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—

(A) IN GENERAL.—In operating the Irregular Warfare Center, to promote integration throughout the United States Government and civil society across the full spectrum of Irregular Warfare competition and conflict challenges, the Secretary of Defense may partner with a higher education institution (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(B) TYPES OF PARTNERSHIPS.—The Secretary may—

(i) establish a partnership under subparagraph (A) by—

(I) entering into a contract, a cooperative agreement, or an intergovernmental support agreement pursuant to section 2679; or

(ii) awarding a grant; and

(II) establish a partnership under subparagraph (A) by—

(I) entering into a contract, cooperative agreement, or intergovernmental support agreement, or award such a grant, through the Defense Security Cooperation University.

(C) DETERMINATION REQUIRED.—The Secretary of Defense shall make a determination with respect to the desirability of partnering with an institution of higher education in a Government-owned, contractor-operated partnership, such as the partnership structure used by the Department of Defense for University Affiliated Research Centers, for meeting the mission requirements of the Irregular Warfare Center.

(4) ROLES AND RESPONSIBILITIES.—The Secretary shall prescribe guidance for the roles and responsibilities of the relevant components of the Department of Defense in the administration, operation, and oversight of the Irregular Warfare Center, which shall include the roles and responsibilities of the following:

(A) The Under Secretary of Defense for Policy.

(B) The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(C) The Director of the Defense Security Cooperation Agency.

(D) Any other official of the Department of Defense, as determined by the Secretary .

(E) In subsection (d), as so redesignated, in the first sentence, by striking “$35,000,000,” and inserting “$90,000,000”;

(F) In subsection (e), as so redesignated, the following new subsection:

(1) ANNUAL REVIEW.—The Secretary of Defense—

(I) shall conduct an annual review of the structure and activities of the Irregular Warfare Center and the program referred to in subsection (a) to determine whether such structure and activities are appropriately aligned with the strategic priorities of the Department of Defense and the applicable combatant commands; and

(II) may, after an annual review under paragraph (1), revise the relevant structure and activities so as to more appropriately align such structure and activities with the strategic priorities and combatant commands .

(2) CHEMICAL AMENDMENT.—The table of sections at the beginning of subsection V of chapter 16 of title 10, United States Code, is amended by striking the item relating to section 545 and inserting the following: “545. Defense Education.”

(b) REPEAL OF TREATMENT AS REGIONAL CENTER FOR SECURITY STUDIES.—Section 1299L(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 4012; 10 U.S.C. 342 note) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (2) and (3), respectively.

(c) PLAN FOR IRREGULAR WARFARE CENTER.—

(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 Committees on Armed Services of the Senate and the House of Representatives a plan for establishing the structure, operations, and administration of the Irregular Warfare Center described in section 345(a)(1) of title 10, United States Code.

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) include—

(i) a timeline and milestones for the establishment of the Irregular Warfare Center; and

(ii) steps to enter into partnerships and resource agreements with academic institutions of the Department of Defense or other academic institutions, including any agreement for hosting or operating the Irregular Warfare Center.

(b) SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS.

(a) IN GENERAL.—Subtitle D of title VIII of chapter 1 of title 10, United States Code, is amended by inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) COVERED ITEM.—The term ‘covered item’ means any of the following:

''(A) Footwear provided as part of a uniform.

''(B) Uniforms.

''(C) Holsters and tactical pouches.

''(D) Patches, insignia, and embellishments.

''(E) Chemical, biological, radiological, and nuclear protective gear.

''(F) Bod armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

(i) Soft ballistic panels.

(ii) Hard ballistic plates.

(iii) Concealed armor carriers worn under a uniform.

(iv) External armor carriers worn over a uniform.

''(G) Any other item of clothing or protective equipment as determined appropriate by the Secretary .

(b) REQUIREMENT TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS.—The term ‘frontline operational component’ means any of the following components of the Department:

(A) U.S. Centers and Border Protection.

(B) U.S. Immigration and Customs Enforcement.

(C) The United States Secret Service.

(d) The Transportation Security Administration.

(e) The Federal Protective Service.


(g) The Federal Law Enforcement Training Center.

(h) The Cybersecurity and Infrastructure Security Agency.

(c) REQUIREMENTS.—The Secretary shall ensure that any procurement of a covered item for a frontline operational component meets the following criteria:

(i) To the maximum extent possible, not less than one-third of funds obligated in a specific fiscal year for the procurement of such covered items shall be covered items that are manufactured or supplied in the United States by entities that quality as small business concerns, as such term is described under section 3 of the Small Business Act (15 U.S.C. 632).

(ii) Covered items may only be supplied pursuant to subparagraph (A) to the extent that United States entities that qualify as small business concerns, as such term is defined in section 3 of the Small Business Act (15 U.S.C. 632), are able to meet the criteria identified in subparagraph (B).

(iii) Each contractor with respect to the procurement of such a covered item, including the end-item manufacturer of such a covered item—

(I) shall—

(i) establish a partnership under subparagraph (A) by—

(I) entering into a contract, a cooperative agreement, or an intergovernmental support agreement, or award such a grant, through the Defense Security Cooperation University.

(ii) meet the criteria identified in subparagraph (B); and

(ii) enter into such a contract, cooperative agreement, or an intergovernmental support agreement pursuant to section 2679; or

(ii) awarding a grant; and

(II) enter into such a contract, cooperative agreement, or intergovernmental support agreement, or award such a grant, through the Defense Security Cooperation University.

(iv) is an entity registered with the System for Award Management (or successor system) administered by the General Services Administration; and

(ii) in compliance with ISO 9001:2015 of the International Organization for Standardization (or successor standard) or a standard determined appropriate by the Secretary to ensure the quality of products and adherence to applicable statutory and regulatory requirements.

(C) Each supplier of such a covered item with an insignia (such as any patch, badge, or emblem) and each supplier of such an insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

(I) store such covered item with such insignia or such insignia in a locked area;

(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the creation of such records, of such destruction that include the date of such destruction, a description of the covered item with insignia or insignia destroyed, the quantity of the covered item with insignia or insignia destroyed, and the method of destruction.

(W) WAIVER.—

(A) IN GENERAL.—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may waive a requirement in subsection (A), (B) or (C) of paragraph (1) if the Secretary determines that it is not consistent with the national security interests of the United States to provide a waiver under subparagraph (A) is necessary, the Secretary shall provide to the
Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate. and the Committee on Appropriations of the House of Representatives.

The report required under paragraph (1) shall include the following:


(B) An assessment of the capacity of the Department of Homeland Security to procure the following items from domestic sources:

(i) Personal protective equipment and other items that are critical to a pandemic such as that caused by COVID-19.

(ii) Helmets that provide ballistic protection and other head protection and components.

(iii) Rain gear, cold weather gear, and other environmental and flame resistant clothing.

(c) **FILING.**—The Secretary shall ensure that covered items are purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

(d) **REPORT.**—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall provide to the Committee on Homeland Security, the Committee on Oversight and Reform, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate notice of such determination, which shall include:

(i) Identification of the national emergency or major disaster declared by the President;

(ii) Identification of the covered item for which the Secretary intends to issue the waiver; and

(iii) A description of the demand for the covered item and corresponding lack of supply from non-foreign sources.

(e) **EFFECTIVE DATE AND APPLICABILITY.**—The amendments made by subsection (a) shall take effect three years after the date of enactment of this Act. In implementing this section, the Secretary shall take into account any deferrals of covered item procurements, and corrective actions taken by the Department in response to such instances.

(f) **EXEMPTIONS.**—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.

(b) **STUDY.**—In general—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a study of the adequacy of uniform allowances provided to employees of frontline operational components (as defined in section 836 of the Homeland Security Act of 2002, as added by subsection (a)).

Reporting requirements. The study conducted under paragraph (1) shall—

(A) be informed by a Department-wide survey of employees from across the Department of Homeland Security who receive uniform allowances that seeks to ascertain what, if any, improvements could be made to the current uniform allowances and what, if any, increased current allowances have had on employee morale and retention; and

(B) assess the adequacy of the most recent increase made to the uniform allowance for first year employees; and

(c) **ADDITIONAL REPORT.**—In general—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide a report to the Senate and the House of Representatives on the criteria the Department of Homeland Security could procure additional items from domestic sources and bolster the domestic supply chain for items related to national security to—

(A) The Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate;

(B) The Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

(2) CONTENTS.—The report required under paragraph (1) shall include the following:


(B) An assessment of the capacity of the Department of Homeland Security to procure the following items from domestic sources:

(i) Personal protective equipment and other items that are critical to a pandemic such as that caused by COVID-19.

(ii) Helmets that provide ballistic protection and other head protection and components.

(iii) Rain gear, cold weather gear, and other environmental and flame resistant clothing.

(c) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2153) is amended by inserting after the item relating to "Sec. 836. Requirements to buy certain items related to national security interests." "Sec. 836. Requirements to buy certain items related to national security interests.

SEC. 8462. Mr. REED (for Mr. SCHUMER (for himself and Mr. CORNYN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 875. PROHIBITION ON CERTAIN SEMICONDUCTOR PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–235) is amended by inserting after "portions that may be installed.

(b) COVERED SEMICONDUCTOR PRODUCT OR SERVICES.—The term "covered semiconductor product or services' means any of the following:

(1) A product or service that is provided or produced by, or on behalf of, a covered entity.

(2) A product or service that is provided or produced by, or on behalf of, a successor of such entities.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT AND BRIEFING.—Not later than 270 days after the effectiveness of this subsection, the Director of the Office of Management and Budget, in coordination with the Director of National Intelligence, shall report to the Committee on Homeland Security and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives a study of the adequacy of uniform allowances provided to employees of frontline operational components such as that caused by COVID-19.

(d) **EFFECTIVE DATE AND APPLICABILITY.**—The amendments made by subsection (a) shall take effect three years after the date of enactment of this Act. In implementing this section, the Secretary shall take into account any deferrals of covered item procurements, and corrective actions taken by the Department in response to such instances.

(e) **EXEMPTIONS.**—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.
to be appropriated to the Secretary to carry out this subsection $30,000,000 for each of fiscal years 2023 through 2027."

(b) STATE AVERAGE COST PER UNIT.—(1) In general.—Section 415(c) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking 

"$6,500" and inserting "$12,000"; and

(ii) by striking "(c)(1) Except as provided in paragraphs (3) and (4)" and inserting the following:

"(c) FINANCIAL ASSISTANCE.—(1) IN GENERAL.—Except as provided in paragraphs (3), (4), and (6); (ii) by confining the margins of subparagraphs (A) through (D) to the margin of subparagraph (E); (iii) in subparagraph (D), by striking "and" and inserting "and"; and

(iv) in subparagraph (E), by adding a period at the end;

(B) in paragraph (2), in the first sentence, by striking "weatherized (including dwelling units partially weatherized)" and inserting "fully weatherized";

(C) in paragraph (4), by striking "$3,000" and inserting "$6,000";

(D) in paragraph (5)—

(i) in subparagraph (A)(i), by striking "$6(A)(i)" and inserting "$7(A)(ii)"; and

(ii) by striking "$6(A)(i)" each place it appears and inserting "$7(A)(i)";

(E) by redesignating paragraph (6) as paragraph (7); and

(F) by inserting after paragraph (5) the following:

"(6) LIMIT INCREASE.—The Secretary may increase the amount of financial assistance provided per dwelling unit under this part beyond the limit specified in paragraph (1) if the Secretary determines that market conditions require such an increase to achieve the purposes of this part.".

(E) inclusive of subparagraph (A)(i), by striking "415(c)(7)"."

SEC. 5101. SHORT TITLE.

This subtitle may be cited as the "Global Catastrophic Risk Management Act of 2022".

SEC. 5201. DEFINITIONS.

In this subtitle:

(1) BASIC NEED.—The term "basic need"—

(A) means any good, service, or activity available to State and local government and general welfare of the civilian population of the United States; and

(B) includes—

(i) food; and

(ii) water;

(iii) shelter;

(iv) basic communication services;

(v) basic sanitation and health services; and

(vi) public safety.

(C) INTRAGOVERNMENTAL CYBERSECURITY INFORMATION SHARING ACT.

Title II—Enhanced Cybersecurity Information Sharing Act

Subtitle B—Improving and Enhancing the Government for America’s Taxpayers

SEC. 5301. Requirement for information sharing agreements.

Subtitle C—Advancing American AI Act

Subtitle D—Strategic EV Management Act

Subtitle E—Congressionally Mandated Reports

SEC. 5501. SHORT TITLE.

This subtitle may be cited as the "Global Catastrophic Risk Management Act of 2022".

TITLE LI—GOVERNMENTAL AFFAIRS

Subtitle A—Intragovernmental Cybersecurity Information Sharing Act

Subtitle B—Improving and Enhancing the Government for America’s Taxpayers

Subtitle C—Advancing American AI Act

Subtitle D—Strategic EV Management Act

Subtitle E—Congressionally Mandated Reports

CHAP. 2—POST-DISASTER MENTAL HEALTH RESPONSE ACT

Sec. 5192. Post-Disaster Mental Health Response Act.
SEC. 5104. REPORT REQUIRED.

(a) IN GENERAL.—Not later than 1 year after the date of this Act and every 10 years thereafter, the Secretary shall submit to Congress a report containing a detailed assessment of global catastrophic and existential risk.

(b) MATTERS COVERED.—Each report required under subsection (a) shall include—

(1) expert estimates of cumulative global catastrophic and existential risk in the next 30 years, including separate estimates for the likelihood of occurrence and potential consequences;

(2) expert-informed analyses of the risk of the most concerning specific global catastrophic and existential threats, including separate estimates, where reasonably feasible and prudent, of their likelihood of occurrence and potential consequences, as well as associated uncertainties;

(3) a comprehensive list of potential catastrophic or existential threats, including even those that may have very low likelihood;

(4) technical assessments and lay explanations of the analyzed global catastrophic and existential risks, including their qualitative character and key factors affecting their likelihood of occurrence and potential consequences;

(5) an explanation of any factors that limit the ability of the Secretary to assess the risk both cumulatively and for particular threats, and how those limitations may be overcome through future research or with additional resources, programs, or authorities;

(6) a review of the effectiveness of intelligence collection, early warning and detection systems, or other functions and programs necessary to evaluate the risk of particular global catastrophic and existential threats, if any exist and as applicable for particular threats;

(7) a forecast of if and why global catastrophic and existential risk is likely to increase or decrease significantly in the next 30 years, both qualitatively and quantitatively, as well as a description of associated uncertainties;

(8) proposals for how the Federal Government may more adequately assess global catastrophic and existential risk on an ongoing basis in future years;

(9) recommendations for legislative actions, as appropriate, to support the evaluation and assessment of global catastrophic and existential risk; and

(10) other matters deemed appropriate by the Secretary.

(c) CONSULTATION REQUIREMENT.—In producing the report required under subsection (a), the Secretary shall regularly consult with experts on global catastrophic and existential threats, including—

(1) the Assistant to the President for National Security Affairs;

(2) the Director of National Intelligence;

(3) a comprehensive list of potential catastrophic or existential threats, including even those that may have very low likelihood;

(4) the National Security Council;

(5) a review of the effectiveness of intelligence collection, early warning and detection systems, or other functions and programs necessary to evaluate the risk of particular global catastrophic and existential threats, if any exist and as applicable for particular threats;

(6) a forecast of if and why global catastrophic and existential risk is likely to increase or decrease significantly in the next 30 years, both qualitatively and quantitatively, as well as a description of associated uncertainties;

(7) proposals for how the Federal Government may more adequately assess global catastrophic and existential risk on an ongoing basis in future years;

(8) recommendations for legislative actions, as appropriate, to support the evaluation and assessment of global catastrophic and existential risk; and

(9) other matters deemed appropriate by the Secretary.

(d) OTHER MATTERS.—The report required under subsection (a) shall include—

(1) a description of—

(A) the emergency has exceeded the response capabilities of State, local, and Indian Tribal governments or the Federal Government;

(B) the transportation sector;

(C) the communication sector;

(D) the energy sector;

(E) the water and wastewater sector;

(F) the financial sector;

(G) other matters determined by the Secretary.

(e) CONSULTATION.—In designing the strategy under subsection (a), the Secretary shall consult with certain federal agencies that make the strategy operationally viable, including the assumption that—

(1) multiple levels of critical infrastructure have been taken offline by catastrophic incidents or the effects of catastrophic incidents;

(2) impacted sectors may include—

(A) the transportation sector;

(B) the communication sector;

(C) the energy sector;

(D) the healthcare and public health sector;

(E) the water and wastewater sector; and

(F) the financial sector;

(3) State, local, Indian Tribal, and territorial governments have been equally affected or made largely inoperable by catastrophic incidents or the effects of catastrophic incidents;

(4) the emergency has exceeded the response capabilities of State, local, and Indian Tribal governments under the Robert T.
SEC. 5106. VALIDATION OF THE STRATEGY THROUGH AN EXERCISE.

Not later than 1 year after the addition of the exercise under section 5105, the Department of Homeland Security shall lead an exercise as part of the national exercise program to test and enhance the operability and integration of the strategy required under section 5105.

SEC. 5107. RECOMMENDATIONS.

(a) In general.—The Secretary shall provide recommendations to Congress for:

(1) actions that should be taken to prepare the United States to implement the strategy required under section 5105, increase readiness, and address preparedness gaps for responses to the impacts of catastrophic incidents on citizens of the United States; and

(2) additional authorities that should be considered for Federal agencies to more effectively implement the strategy required under section 5105.

(b) Inclusion in reports.—The Secretary may include the recommendations required under subsection (a) in a report submitted under section 5108.

SEC. 5108. REPORTING REQUIREMENTS.

Not later than 1 year after the date on which the Department of Homeland Security leads the exercise under section 5106, the Secretary shall submit to Congress a report that includes:

(1) a description of the efforts of the Secretary to develop and update the strategy required under section 5105; and

(2) an after-action report following the conduct of the exercise described in section 5106.

SEC. 5109. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to supersede the civilian emergency management authorities of the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Post Katrina Emergency Management Reform Act (6 U.S.C. 701 et seq.).

Subtitle B—DHS Economic Security Council

SEC. 5111. DHS ECONOMIC SECURITY COUNCIL.

(a) Establishment of the DHS Economic Security Council.—

(1) Definitions.—In this subsection:

(A) Council.—The term ‘Council’ means the DHS Economic Security Council established under paragraph (2).

(B) Department.—The term ‘Department’ means the Department of Homeland Security.

(C) Economic security.—The term ‘economic security’ means the national economic security of the United States, including the economic security of the Department.

(D) Secretary.—The term ‘Secretary’ means the Secretary of Homeland Security.

(b) DHS Economic Security Council.—In accordance with the mission of the Department under section 101(b) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)), and in particular paragraph (1)(F) of that section, the Secretary shall establish a standing council of component heads or their designees within the Department, which shall be known as the ‘DHS Economic Security Council’. (c) Duties of the Council.—Pursuant to the scope of the mission of the Department as described in paragraph (2), the Council shall provide to the Secretary advice and recommendations on matters of 1 security, including:

(1) identifying concentrated risks for trade and economic security;

(2) setting priorities for securing the trade and economic security of the United States;

(3) coordinating activities of the various sectors of the United States economy on trade and economic security matters;

(4) with respect to the development of the programme of the economy plan of the President, recommending to the President the extent to which Department of Homeland Security activities and programs are consistent with the programme of the President;

(5) with respect to any other matters the Secretary considers appropriate.

(3) Chair and Vice Chair.—The Secretary shall establish a standing Council of component heads or their designees within the Department, which shall:

(A) shall serve as Chair of the Council; and

(B) may designate a Council member as Vice Chair.

(4) Meetings.—The Council shall meet not less frequently than quarterly, as well as:

(A) at the call of the Chair; and

(B) at the direction of the Secretary.

(5) Briefings.—Not later than 180 days after the date of enactment of this Act and every 180 days thereafter, the Council shall brief:

(A) the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security and Governmental Affairs of the House of Representatives, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on the actions and activities of the Council;

(B) Assistant Secretary for Economic Security.—Section 709 of the Homeland Security Act of 2002 (6 U.S.C. 349) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

‘(g) Assistant Secretary for Economic Security.—

‘(1) In general.—There is established within the Office of Strategy, Policy, and Plans an Assistant Secretary for Economic Security.

‘(2) Duties.—At the direction of the Assistant Secretary for Economic Security, the Secretary shall:

(A) oversee—

(i) coordination of supply chain policy; and

(ii) assessments and reports to Congress related to critical economic security domains;

(B) serve as the representative of the Assistant Secretary for Strategy, Policy, and Plans for the purposes of representing the Department to:

(i) the Committee on Foreign Investment in the United States; and

(ii) the Committee for the Assessment of Foreign Participation in United States Telecommunications Services Sector.

(C) coordinate with stakeholders in other Federal departments and agencies and non-governmental entities with trade and economic security interests, authorities, and responsibilities; and

(D) perform such additional duties as the Secretary shall prescribe.

‘(3) Economic Security.—The term ‘economic security’ includes the following:

(A) the national economic security of the United States; and

(B) any other matters the Secretary considers appropriate.

‘(4) Meetings.—The Council shall meet not less frequently than quarterly, as well as:

(A) at the call of the Assistant Secretary for Economic Security; and

(B) at the direction of the Assistant Secretary for Economic Security.

‘(5) Briefings.—Not later than 180 days after the date of enactment of this Act and every 180 days thereafter, the Assistant Secretary for Economic Security shall brief:

(A) the Committees on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security and Governmental Affairs of the House of Representatives, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on the actions and activities of the Council;

(B) the Secretary for Strategy, Policy, and Plans of the Department; and

(C) the Assistant Secretary for Strategy, Policy, and Plans an Assistant Secretary for Economic Security.'
Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the House of Representatives that describes—

"(A) the procedures used for vetting Transnational Criminal Investigative Unit members to include compliance with the vetting required under paragraph (3); and

(B) any additional measures that should be implemented to prevent personnel in vetted units from being compromised by criminal organizations.

(d) MONETARY STIPEND.—The Executive Associate Director of Homeland Security Investigations is authorized to pay vetted members of a Transnational Criminal Investigative Unit a monetary stipend in an amount associated with their duties dedicated to unit activities.

"(e) ANNUAL BRIEFING.—The Executive Associate Director of Homeland Security Investigations, during the 5-year period beginning on the date of enactment of this Act, shall provide an annual unclassified briefing to the committees referred to in subsection (c)(3), which may include a classified session, if necessary, that identifies—

(1) the number of vetted members of a Transnational Criminal Investigative Unit in each country;

(2) the amount paid in stipends to such members, disaggregated by country;

(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country; and

(4) any vetted members of the Transnational Criminal Investigative Unit in each country were involved in any unlawful activity, including human rights abuses or corruption.

(b) CLERICAL AMENDMENT.—The table of sections for the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 890B the following:

"Sec. 890C. Transnational Criminal Investigative Units.

Subtitle D—Technological Hazards Preparedness and Training

SEC. 5121. SHORT TITLE. This subtitle may be cited as the “Technological Hazards Preparedness and Training Act of 2022.”

SEC. 5122. DEFINITIONS. In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) INDIAN TRIBAL GOVERNMENT.—The term “Indian Tribal government” means the Indian Tribal government described by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(3) STATE.—The terms “local government” and “State” have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(4) TECHNOLOGICAL HAZARD AND RELATED EMERGING THREAT.—The term “technological hazard and related emerging threat” means—

(A) any activity or threat created by humans that pose a unique hazard to the general public and environment and which may result from—

(i) an attack;

(ii) an emergency caused by another hazard; or

(iii) intentional use of the hazardous materials;

(B) includes a chemical, radiological, biological, and nuclear hazard.

SEC. 5123. ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS

(a) IN GENERAL.—The Administrator shall maintain the capacity to provide States, local, and Indian Tribal governments with technological hazards and related emerging threats technical assistance, training, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(b) AUTHORITIES.—The Administrator shall carry out subsection (a) in accordance with—

(1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) section 1236 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196c); and


(c) ASSESSMENT AND NOTIFICATION.—In carrying out subsection (a), the Administrator shall—

(1) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State; and

(2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

(i) technological hazards and related emerging threats preparedness; and

(ii) building community capability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(1) actions taken to implement this section; and

(2) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year period preceding the date of submission of the report.

(e) CONSULTATION.—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs from the Office of the Deputy Administrator for Operations, the Office of the Deputy Administrator for Intelligence and Analysis, the Office of the Deputy Administrator for Policy, and the Office of the Deputy Administrator for Operations, Oceans and Atmosphere.

SEC. 5124. AUTHORIZATION OF APPROPRIATIONS

The Administrator is authorized to be appropriated under this subtitle $20,000,000 for each of fiscal years 2023 through 2024.

SEC. 5125. SAVINGS PROVISION

Nothing in this subtitle shall diminish or divert resources from—

(1) the full completion of federally-led chemical surety material storage missions of the Department of Energy; and

(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).

CHAPTER 1—COUNTERING WEAPONS OF MASS DESTRUCTION

SEC. 5141. SHORT TITLE. This subtitle may be cited as the “Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022.”

SEC. 5142. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

(a) HOMELAND SECURITY ACT OF 2002.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 590 et seq.) is amended—

(1) in section 1901 (6 U.S.C. 590a)—

(A) in subsection (c), by amending paragraphs (1) and (2) to read as follows:

"(i) matters and strategies pertaining to—

"(A) weapons of mass destruction; and

"(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

"(ii) coordinating the efforts of the Department to counter—

"(A) weapons of mass destruction; and

"(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

(2) in section 1922 (6 U.S.C. 591h)—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(3) in section 1926 (6 U.S.C. 590)—

(A) by redesigning subsections (a) and (b) as subsections (b) and (d), respectively;

(B) by inserting before subsection (b), as so redesignated, the following:

"(a) OFFICE RESPONSIBILITIES.—

"(1) IN GENERAL.—For the purposes of coordinating the efforts of the Department to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

"(A) provide expertise and guidance to Department leadership and components on chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation requirements described in subparagraph (G); and

"(B) in coordination with the Office for Strategy, Policy, and Plans, lead development of policies and strategies to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats on behalf of the Department;

"(C) identify, assess, and prioritize capability gaps relating to the strategic and mission objectives of the Department for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;
“(D) in coordination with the Office of Intelligence and Analysis, support components of the Department, and Federal, State, local, Tribal, and territorial partners, provide intelligence and analysis relating to the deployment and use of weapons of mass destruction and chemical, biological, radiological, and nuclear, and other related emerging threats.

“(E) with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, and nuclear, and other related emerging threats.

“(F) lead development and prioritization of Department requirements to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation programs described in paragraph (G), which requirements shall be—

“(i) developed in coordination with end users; and

“(ii) reviewed by the Joint Requirements Council, as directed by the Secretary;

“(G) in coordination with the Science and Technology Directorate, direct, fund, and coordinate capability development, and the implementation, testing, and evaluation of technologies to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats research, development, testing, and evaluation matters, including research, development, testing, and evaluation expertise, threat characterization, technology maturation, prototyping, and operational testing and training;

“(H) acquire, procure, and deploy counter-weapons of mass destruction capabilities, and serve as the advisor of the Department on component acquisition, procurement, and deployment of counter-weapons of mass destruction capabilities;

“(I) in coordination with the Office of Health Security, support components of the Department, and Federal, State, local, Tribal, and territorial partners on chemical, biological, radiological, nuclear, and other related emerging threats health matters;

“(J) provide expertise on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats; and

“(K) carry out any other duties assigned to the Office by the Secretary.

“(2) DETECTION AND REPORTING.—For purposes of the detection and reporting responsibilities of the Office for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

“(A) conduct, in coordination with the Under Secretary for Science and the Technology; and the Under Secretary for Science and Technology of the National Nuclear Security Administration, an update on the STC program under section 6396a(a)(1)(C)), law enforcement agencies, other Federal agencies, State, local, Tribal, and territorial governments, and foreign governments, as well as provide appropriate information to those entities;

“(B) provide, in coordination with the Federal Emergency Management Agency and other departmental components, on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, support materials, including research, development, testing, and evaluation matters, including an operational test and evaluation plan that articulates the requirements for the user and describes how these capabilities can be tested in development and evaluation and operational test and evaluation; and

“(C) before carrying out operational testing under subparagraph (A), develop a testing and evaluation plan that articulates the requirements for the user and describes how these capabilities can be tested in development and evaluation and operational test and evaluation;

“(D) as appropriate, develop, acquire, and deploy equipment to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, and coordinate with the Under Secretary for Science and Technology of the National Nuclear Security Administration, the Secretary of Defense, and other Federal and private sector partners; and

“(E) collaborate with the Biomedical Advanced Research and Development Authority, the Office of Health Security, the Defense Advanced Research Projects Agency, and the National Aeronautics and Space Administration, and other relevant Federal stakeholders, and receive input from industry, international partners subject to the requirements of this section, and other related emerging threats research, development, testing, and evaluation matters, including research, development, testing, and evaluation expertise, threat characterization, technology maturation, prototyping, and operational testing and training;

“(F) consult, as appropriate, with the Federal Emergency Management Agency and other departmental components, on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, and efforts to mitigate, prepare, and respond to all threats in support of the State, local, and Tribal communities; and

“(G) perform other duties as assigned by the Secretary.

“(3) MISSION and INSERTING.—In subsection (b), as so redesignated—

“(I) in the subsection heading, by striking "MISSION" and inserting "RADIOLOGICAL AND NUCLEAR RESPONSIBILITIES";

“(J) (i) before carrying out subparagraph (A),

“(II) by striking "operations" and inserting "operations"; and

“(K) before carrying out subparagraph (A),

“(I) in paragraph (1), as so redesignated—

“(I) in the matter preceding clause (I), by inserting "except as otherwise provided," and before "require";

“(II) in subparagraph (B)(i), by striking "from the" and "the" at the beginning of clause (ii), and "and" at the end of clause (ii);

“(III) in subparagraph (B)(ii), by striking "death or disability" and inserting "death, disability, or a finding of good cause as determined by the Assistant Secretary (including extreme hardship, extreme need, or the threat of a death or disability for which the Assistant Secretary may grant a waiver of the repayment obligation)"; and

“(BB) in item (bb), by adding "and" at the end; and

“(VII) by redesigning paragraphs (13), and (12) of subparagraph (A), as so redesignated;

“(IV) by inserting "operations" and "operations" after "missions";

“(V) in paragraphs (7)(C)(v), as so redesignated—

“(I) in the matter preceding subclause (I), by inserting "exempt except as otherwise provided," and before "require"; and

“(II) in subclause (II)—

“(aa) in the matter preceding item (aa), by striking "death, disability, or a finding of good cause as determined by the Assistant Secretary (including extreme hardship, extreme need, or the threat of a death or disability for which the Assistant Secretary may grant a waiver of the repayment obligation)"; and

“(bb) in item (bb), by adding "and" at the end; and

“(V) by redesigning paragraph (14) as paragraph (8); and

“(D) by inserting after subsection (b), as so redesignated, the following:

“(1) shall be responsible for coordinating with other Federal efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, protect against, mitigate, respond to, and recover from the threat, vulnerability, and consequences of chemical and biological threats against the United States; and

“(2) shall—

“(A) serve as a primary entity of the Federal Government to further develop, acquire, deploy, and support the operations of a national biosurveillance system in support of Federal, State, local, Tribal, and territorial governments, and improve that system over time;

“(B) enhance the chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments and provide guidance, tools, and training to help ensure a managed, coordinated response; and

“(C) work with—

“(i) international partners subject to the requirements of this section, and other related emerging threats research, development, testing, and evaluation matters, including research, development, testing, and evaluation expertise, threat characterization, technology maturation, prototyping, and operational testing and training;

“(ii) support components of the Department, and Federal, State, local, Tribal, and territorial partners on chemical, biological, radiological, nuclear, and other related emerging threats health matters;

“(iii) provide expertise on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats; and

“(iv) consult, as appropriate, with the Federal Emergency Management Agency and other departmental components, and foreign governments, as well as provide appropriate information to those entities; and

“(D) in subsection (c), as so redesignated—

“(I) in the first sentence, by striking "from the" and "the" at the beginning of clause (ii), and "and" at the end of clause (ii);

“(II) in clause (ii), by striking "and" at the end;

“(III) in clause (i), by striking the period at the end and inserting "and"; and

“(D) by adding at the end the following:

“(E) includes any other information regarding national technical nuclear forensics activities carried out under section 1923; and

“(F) in section 1928 (6 U.S.C. 596b)—

“(A) in subsection (c)(1), by striking "from an international legal or under section 2003 and inserting "based on the capability and capacity of the jurisdiction, as well as the threat, vulnerability, and consequences from terrorism attacks and other high-consequence events utilizing nuclear or other radiological materials";

“(B) by striking subsection (d) and inserting the following:

“(G) REPORT.—Not later than 2 years after the date of enactment of the Office of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall submit to the appropriate congressional committees an update on the STC program under section 1923; and

“(H) by adding at the end the following:

"SEC. 1929. ACCOUNTABILITY.

“(A) DEPARTMENTWIDE STRATEGY.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, which should—

“(i) have clearly identified authorities, specified roles, objectives, benchmarks, accountability, and timelines; and

“(ii) incorporate the perspectives of non-Federal and private sector partners; and

“shall be responsible for coordinating with other Federal efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, protect against, mitigate, respond to, and recover from the threat, vulnerability, and consequences of chemical and biological threats against the United States; and

“(2) shall—

“(A) serve as a primary entity of the Federal Government to further develop, acquire, deploy, and support the operations of a national biosurveillance system in support of Federal, State, local, Tribal, and territorial governments, and improve that system over time;

“(B) enhance the chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments and provide guidance, tools, and training to help ensure a managed, coordinated response; and

“(C) work with—

“(i) international partners subject to the requirements of this section, and other related emerging threats research, development, testing, and evaluation matters, including research, development, testing, and evaluation expertise, threat characterization, technology maturation, prototyping, and operational testing and training;
"(C) articulate how the Department will contribute to relevant national-level strategies and work with other Federal agencies.

(2) CONSIDERATION.—The Secretary shall approve the updated Departmentwide strategy and implementation plan required under paragraph (1).

(3) REPORT.—The Office shall submit to the appropriate congressional committees a report on the implementation of section 5143 and subsection (a) of section 5142 of title 31, United States Code, with respect to the Department's mission and role of the Department described in clause (i); and

(II) implementation of any operational changes necessary to carry out clauses (iii) and (iv).

(4) PERIODIC UPDATE.—Beginning not later than 5 years after the issuance of the biodefense strategy and implementation plans required under paragraph (3), and not less often than once every 5 years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.

(b) Biodefense Strategy.—Not later than 30 days after the issuance of the biodefense strategy and implementation plans required under paragraph (3), the Secretary shall brief the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives regarding such strategy and plans.

(c) Employee Morale.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Office shall submit to and brief the appropriate congressional committees on a strategy and plan to continuously improve morale within the Office.

(d) Comptroller General.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

(1) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

(2) the consistency and effectiveness of stakeholder coordination across the mission of the Department, including operational and support components of the Department and State and local entities; and

(3) the efforts of the Office to manage and coordinate the lifecycle of research and development within the Office and with other components of the Department, including the Science and Technology Directorate.

(e) National Academies of Sciences, Engineering, and Medicine.—

(1) Study.—The Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a consensus study and report to the Secretary and the appropriate congressional committees on—

(A) the role of the Department in preparing, detecting, and responding to biological and health security threats to the homeland;

(B) recommendations to improve departmental biosurveillance efforts against biological threats, including any relevant biological detection methods and technologies; and

(C) the feasibility of different technological advances for biodetection compared to the cost, risk reduction, and timeliness of those advances.

(2) Briefing.—Not later than 1 year after the date on which the Secretary receives the report required under paragraph (1), the Secretary shall brief the appropriate congressional committees on—

(A) the implementation of the recommendations included in the report; and

(B) the status of biological detection at the Department, and, if applicable, timelines for the transition from Biowatch to updated technologies.

(f) Advisory Council.—

(1) Establishment.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall establish an advisory body to advise on the ongoing coordination of the efforts of the Department to counter weapons of mass destruction, to be known as the Advisory Council for Countering Weapons of Mass Destruction (referred to as the ‘Advisory Council’).

(2) Membership.—The members of the Advisory Council shall be appointed by the Assistant Secretary; and

(B) to the extent practicable, represent a geographic (including urban and rural) and demographic (including special needs, and Members of the Armed Forces, veterans, and nongovernmental organizations), including, as appropriate—

(i) members selected from the emergency management field and emergency response public and private sector.

(ii) State, local, and Tribal government officials;

(iii) experts in the public and private sectors with expertise in chemical, biological, radiological, and nuclear agents and weapons;

(iv) representatives from the national laboratories; and

(v) such other individuals as the Assistant Secretary determines to be appropriate.

(3) Responsibilities.—The Advisory Council shall—

(A) advise the Assistant Secretary on all aspects of countering weapons of mass destruction; and

(B) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction; and

(c) establish performance criteria for a national biological detection system and review the testing protocol for biological detection prototypes.

(4) Consultation.—To ensure input from and coordination with State, local, and Tribal governments, the Assistant Secretary shall regularly consult and work with the Advisory Council on the administration of Federal assistance provided by the Department, including with respect to the development of requirements for countering weapons of mass destruction programs, as appropriate.

(5) Voluntary Service.—The members of the Advisory Council shall serve on the Advisory Council on a voluntary basis.

(g) FECA.—The Federal Employee Compensation Act (5 U.S.C. App.) shall not apply to the Advisory Council.


(1) in subsection (b)(2) (6 U.S.C. 591 note), by striking ‘‘1927’’ and inserting ‘‘1926’’; and

(2) in subsection (g) (6 U.S.C. 591 note)—

(A) in the matter preceding paragraph (1), by striking ‘‘one year after’’ and inserting ‘‘June 30 of each year’’;

and

(b) in paragraph (2), by striking ‘‘Security, including research and development activities’’ and inserting ‘‘Security’’.

(c) SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OF 2006.—The Security and Accountability for Every Port Act of 2006 (6 U.S.C. 901 et seq.) is amended—

in section 1(b) (Public Law 109–347; 120 Stat. 1884), by striking the item relating to section 502 and;

and

(2) by striking section 502 (6 U.S.C. 592a).
SEC. 5144. OFFICE OF HEALTH SECURITY.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103 (6 U.S.C. 113)—

(A) in subsection (a)(2)—

(ii) by striking “the Assistant Secretary for Health Affairs.”; and

(B) by striking “Affairs,” or and inserting “Affairs”;

(2) in subsection (c), by adding at the end the following:

“(A) There shall be a Privacy Officer in the Department who shall—

(B) by striking subsections (a) and (b) and inserting the following:

“(a) There shall be a Privacy Officer in the Department who shall—

(B) by striking subsections (a) and (b) and inserting the following:

“CHIEF MEDICAL OFFICER.—There shall be a Privacy Officer in the Department who shall—

(1) be the Assistant Secretary for Health Affairs or the Chief Medical Officer of the Department;

(2) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health;

(3) be appointed by the President; and

(4) report directly to the Secretary.;

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking “medical record systems” and inserting “all medical record systems”;

(ii) in paragraph (1), by striking “examination, by such component with respect to State, local, Tribal, and territorial governments to prevent, detect, protect against, and mitigate the health effects of chemical, biological, radiological, and nuclear clear issues;” and

(iii) in paragraph (2), by striking “and the Head of Office of Health Security shall transfer to the Chief Medical Officer of the Department on and after the date of enactment of this Act;”.

(b) HEAD OF OFFICE OF HEALTH SECURITY.—The Office of Health Security shall be headed by a chief medical officer, who shall—

“(1) report directly to the Chief Medical Officer of the Department.

(2) setting standards for technology used for the components of the Department regarding the collection, storage, and oversight of medical and public health records.

(3) in consultation with the Chief Medical Officer of the Department—

(A) identifying methods and technologies for managing, updating, and overseeing patient records; and

(B) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

(4) in consultation with the Secretary, the individual appointed as the Chief Medical Officer of the Department.

(5) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

(6) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records.
(B) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the Chief Medical Officer, including the Operations Directorate of the Countering Weapons of Mass Destruction Office, as in existence on the day before the date of enactment of this Act; and

(c) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the efforts pertaining to the program coordination activities relating to defending the food, agriculture, and veterinary defenses of the Office, as in existence on the day before the date of enactment of this Act.

SEC. 5145. MEDICAL COUNTERMEASURES PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating section 1932 (6 U.S.C. 597a) as section 2304 and transferring such section to appear after section 2303, as so redesignated by section 5144 of this subtitle.

SEC. 5146. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

Title XXIII of the Homeland Security Act of 2002, as added by this chapter, is amended by adding at the end the following:

"SEC. 2305. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

"(a) Definitions.—In this section:

"(1) HEALTH CARE PROVIDER.—The term 'health care provider' means an individual who—

"(A) is—

"(i) an employee of the Department;

"(ii) a detailee to the Department from another Federal agency;

"(iii) a personal services contractor of the Department; or

"(iv) hired under a contract for services;

"(B) performs health care services as part of duties of the individual in that capacity; and

"(C) has a current, valid, and unrestricted license or certification—

"(i) that is issued by a State, the District of Columbia, or a commonwealth, territory, or possession of the United States; and

"(ii) that is recognized, reviewed, and oversight of direct patient care and assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review, and identification and prevention of medical, mental health, or dental incidents and risks.

"(2) MEDICAL QUALITY ASSURANCE RECORD OR THE DEPARTMENT.—The term 'medical quality assurance record of the Department' means all information, including the proceedings, records (including patient records that the Department creates and maintains as part of a system of records), minutes, and reports that—

"(A) emanate from quality assurance program activities described in paragraph (2); and

"(B) are produced or compiled by the Department as part of a medical quality assurance program;

"(c) PROHIBITION ON DISCLOSURE AND TESTIMONY.—Except as otherwise provided in this section—

"(1) no part of any medical quality assurance record of the Department may be subject to discovery or admitted into evidence in any judicial or administrative proceeding; and

"(2) an individual who reviews or creates a medical quality assurance record of the Department or who participates in any process that involves a medical quality assurance record of the Department may not be permitted or required to testify in any judicial or administrative proceeding with respect to the record or with respect to any finding, recommendation, evaluation, opinion, or action taken by that individual in connection with the record.

"(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

"(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record of the Department may be disclosed, and a person described in subparagraph (A) may give testimony in connection with the record, only as follows:

"(A) To a Federal agency or private organization, if the medical quality assurance record of the Department or testimony is needed by the Federal agency or private organization—

"(i) perform licensing or accreditation functions related to Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services; or

"(ii) perform monitoring, required by law, of professional qualifications of any health care provider for the Department.

"(B) To an administrative or judicial proceeding concerning an adverse action related to the credentialing of or health care provided by a present or former health care provider by the Department.

"(C) To a governmental board or agency or to a professional health care society or organization, if the medical quality assurance record or testimony is needed by the board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was a health care provider for the Department.

"(D) To a hospital, medical center, or other institution that provides health care services, if the medical quality assurance record of the Department or testimony is needed by the institution to assess the professional standards of any health care provider who is or was a health care provider for the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

"(E) To an employee, a detailee, or a contractor of the Department who has a need for the medical quality assurance record of the Department or testimony to perform official duties or duties within the scope of their contract.

"(F) To a criminal or civil law enforcement agency or instrumentation charged under applicable law with the protection of the public health or safety, if a qualified representative of that agency or instrumentation makes a written request that the medical quality assurance record of the Department or testimony be provided for a purpose authorized by law.

"(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentation described in subparagraph (F), but only with respect to the subject of the proceeding.

"(2) PERSONALLY IDENTIFIABLE INFORMATION.

"(A) IN GENERAL.—With the exception of the subject of a quality assurance action, personally identifiable information of any person associated with the efforts pertaining to the Department or of any other person associated with the Department for purposes of a medical quality assurance program that is created as part of a medical quality assurance record of the Department shall be deleted from that record before any disclosure of the record is made outside the Department.

"(B) APPLICATION.—The requirement under subparagraph (A) shall not apply to the release of information that is permissible under section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974').

"(C) DISCLOSE FOR CERTAIN PURPOSES.—Nothing in this section shall be construed—

"(1) to authorize or require the withholding from any person or entity de-identified aggregate statistical information regarding the results of medical quality assurance programs, under de-identification standards developed by the Secretary in consultation with the Secretary of Health and Human Services, as such information is released in a manner in accordance with all other applicable legal requirements; or

"(2) to authorize the withholding of any medical quality assurance record of the Department from a committee of either House of Congress, any joint committee of Congress, or the Comptroller General of the United States if the committee requested the matter within their respective jurisdictions.

"(c) PROHIBITION ON DISCLOSURE OF INFORMATION, RECORD, OR TESTIMONY.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this section.

"(d) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—A medical quality assurance record of the Department shall be exempt from disclosure under section 552(b)(3) of the United States Code (commonly known as the 'Freedom of Information Act').

"(j) LIMITATION ON CIVIL LIABILITY.—A person who participates in the review or creation of, or provides information to a person or body that reviews or creates, a medical quality assurance record of the Department shall not be civilly liable under this section for any participation or for providing that information if the participation or provision of information was—

"(1) provided in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place; and

"(2) made in accordance with any other applicable legal requirement, including Federal privacy laws and regulations.

"(1) APPLICATION TO INFORMATION IN CER- TIFICATION, RECORDS, OR TESTIMONY.—This sec- tion shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a record of a patient, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.
of the Department other than as provided in this section, knowing that the record is a medical quality assurance record of the Department shall be fined not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

(3) CRITICAL INFRASTRUCTURE.—The term ’critical infrastructure’ has the meaning given the term in subsection (e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c).

(4) CYBERSECURITY RISK.—The term ’cybersecurity risk’ has the meaning given the term in section 2300 of the Homeland Security Act of 2002, as added by section 5101 of this division.

(5) RELATIONSHIP TO COAST GUARD.—The term ’cybersecurity threat’ has the meaning given the term in section 2302(b) of the Homeland Security Act of 2002, as added by section 5101 of this division.

(6) SMALL BUSINESS CONCERN.—The term ’small business concern’ has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 5154. REPORT ON COMMERCIAL SATELLITE CYBERSECURITY CLEARINGHOUSE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the actions the Federal Government has taken to secure the cybersecurity of commercial satellite systems, including as part of any action to address the cybersecurity of critical infrastructure sectors.

(b) REQUIREMENTS.—Not more than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate on the study conducted under subsection (a), which shall include information on—

(1) the extent to which Federal agencies are addressing cybersecurity threats to commercial satellite systems, including resources made available through the clearinghouse;

(2) the extent to which commercial satellite systems and the cybersecurity threats to such systems addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans;

(3) the extent to which Federal agencies are reliant on satellite systems owned wholly or in part or controlled by foreign entities, and how Federal agencies mitigate associated cybersecurity risks; and

(4) the extent to which Federal agencies coordinate or duplicate authorities and take other actions focused on the cybersecurity of commercial satellite systems;

(c) CONSULTATION.—In carrying out subsections (a) and (b), the Comptroller General of the United States shall coordinate with appropriate Federal agencies and organizations, including—

(1) the Department of Homeland Security;

(2) the Department of Commerce;

(3) the Department of Defense;

(4) the Department of Transportation;

(5) the Federal Communications Commission;

(6) the National Aeronautics and Space Administration;

(7) the National Executive Committee for Space-Based Positioning, Navigation, and Timing; and

(8) the National Space Council.

(d) BRIEFING.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall provide a briefing to the appropriate congressional committees on the study conducted under subsection (a).

(e) CLASSIFICATION.—The report made under subsection (b) shall be unclassified but may include a classified annex.

SEC. 5155. RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ’Director’ means the Director of the Cybersecurity and Infrastructure Security Agency.

(2) SMALL BUSINESS CONCERN.—The term ’small business concern’ has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(3) ESTABLISHMENT OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY CLEARINGHOUSE.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Director shall develop and maintain a commercial satellite system cybersecurity clearinghouse.

(2) REQUIREMENTS.—The clearinghouse—

(A) shall be publicly available online;

(B) shall contain publicly available commercial satellite system cybersecurity resources, including the voluntary recommendations consolidated under subsection (c)(1); and

(C) shall contain appropriate materials for reference by entities that develop, operate, or maintain commercial satellite systems;

(D) shall contain materials specifically aimed at assisting small business concerns with the secure development, operation, and maintenance of commercial satellite systems; and

(E) may contain controlled unclassified information distributed to commercial entities through a process determined appropriate by the Director.

(3) CONTENT MAINTENANCE.—The Director shall maintain current and relevant cybersecurity information on the clearinghouse.

(4) EXISTING PLATFORM OR WEBSITE.—To the extent practicable, the Director shall establish and maintain the clearinghouse using an online platform, a website, or a capability in existence as of the date of enactment of this Act.

(5) CONSOLIDATION OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall consolidate voluntary cybersecurity recommendations designed to assist in the development, maintenance, and operation of commercial satellite systems.

(2) REQUIREMENTS.—The recommendations consolidated under paragraph (1) shall include materials appropriate for a public resource addressing the following—

(A) Risk-based, capability-informed engineering, including continuous monitoring and resiliency.
(B) Planning for retention or recovery of positive control of commercial satellite systems in the event of a cybersecurity incident.

(C) Protection against unauthorized access to vital commercial satellite system functions.

(D) Physical protection measures designed to reduce the risk of unauthorized access to a commercial satellite system’s command, control, and telemetry receiver systems.

(E) Protection against jamming, eavesdropping, hijacking, computer network exploitation, spoofing, threats to optical satellite communications, and electromagnetic pulse.

(F) Security against threats throughout a commercial satellite system’s mission lifetime.

(G) Management of supply chain risks that affect the cybersecurity of commercial satellite systems.

(H) Protection against vulnerabilities posed by ownership of commercial satellite systems or commercial satellite system companies by foreign entities.

(I) Protection against vulnerabilities posed by locating physical infrastructure, such as satellite ground control systems, in foreign countries.

(J) As appropriate, and as applicable pursuant to the maintenance requirement under subsection (b)(3), consult with non-Federal entities developing commercial satellite systems, and improve the cybersecurity of commercial satellite systems, which shall include an identification of—

(1) proposed roles and responsibilities for relevant agencies;

(2) applicable, the extent to which cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans.

SEC. 5156. RULES OF CONSTRUCTION.

Nothing in this subtitle shall be construed to—

(A) designate commercial satellite systems or other space assets as a critical infrastructure sector; or

(B) infringe upon or alter the authorities of the agencies described in section 5153(c).

Subtitle G—Pray Safe Act

SEC. 5161. SHORT TITLE.

This subtitle may be cited as the “Pray Safe Act”.

SEC. 5162. DEFINITIONS.

In this subtitle—

(A) any partnership with the private sector that is established and maintained by the Director of the Office of Space Commerce and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Space, Science, and Technology of the House of Representatives a strategy for

(1) any feedback received by the Director on the clearinghouse from non-Federal entities; and

(F) the recommendations consolidated pursuant to subsection (c)(1); and

(P) any feedback received by the Director on the clearinghouse from non-Federal entities.

SEC. 5155. STRATEGY.

Not later than 120 days after the date of the enactment of this Act, the National Space Council, in coordination with the Director of the Office of Space Commerce and the heads of other relevant agencies, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security of the House of Representatives a strategy for

(1) the establishment and maintenance of a clearinghouse pursuant to subsection (b);

(2) R EPORT.—Not later than 6 years after the date of enactment of this Act, the National Space Council, in coordination with the Director of the Office of Space Commerce and the heads of other relevant agencies, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security of the House of Representatives a report summarizing—

(1) the term ‘Clearinghouse’ means the Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship established under section 2220E of the Homeland Security Act of 2002, as added by section 5163 of this subtitle;

(2) the term ‘Department’ means the Department of Homeland Security;

(3) the term ‘faith-based organization’ and ‘house of worship’ have the meanings given such terms under section 2220E of the Homeland Security Act of 2002, as added by section 5163 of this subtitle; and

(4) the term ‘Secretary’ means the Secretary of Homeland Security.

SEC. 5163. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(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:

“SEC. 2220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) DEFINITIONS.—In this section—

(1) the term ‘Clearinghouse’ means the Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship established under subsection (b)(1);

(2) the term ‘faith-based organization’ means a group, center, or nongovernmental organization with a religious, ideological, or spiritual motivation, character, affiliation, or purpose;

(3) the term ‘house of worship’ means a place or building, including synagogues, mosques, temples, and churches, in which congregants practice their religious or spiritual beliefs;

(4) the term ‘security’; and

(5) as appropriate, and as applicable pursuant to the maintenance requirement under section 5153(a).

(b) ESTABLISHMENT.—Not later than 270 days after the date of enactment of the Pray Safe Act, the Secretary, in consultation with the Attorney General, the heads of the appropriate Federal agencies, and the head of any other agency that the Secretary determines appropriate, shall establish a Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship within the Department.

(c) Clearinghouse.—The Clearinghouse shall be the primary resource of the Federal Government—

(1) to educate and publish online best practices and recommendations for safety and security for faith-based organizations and houses of worship; and

(2) to provide information relating to Federal grant programs available to faith-based organizations and houses of worship.

(d) PERSONNEL.—

(1) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

(2) DETAILING.—The Secretary may coordinate deployments as required for the Clearinghouse.

(e) DESIGNATED POINT OF CONTACT.—There shall be at least one point of contact detailed to the Clearinghouse who shall be the designated point of contact to provide information and assistance to faith-based organizations and houses of worship, including assistance relating to the grant programs established under section 5165 of the Pray Safe Act. The contact information of the designated point of contact shall be made available on the website of the Clearinghouse.

(f) QUALIFICATION.—To the maximum extent practicable, any personnel assigned or detailed to the Clearinghouse under this paragraph should be familiar with faith-based organizations and houses of worship and with physical and online security measures to identify and prevent safety and security risks.

(g) CLEARINGHOUSE CONTENTS.—

(1) EVIDENCE-BASED TIERING.—

(A) IN GENERAL.—The Clearinghouse shall organize best practices and recommendations for faith-based organizations and houses of worship into tiers based on evidence.

(B) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

(i) As appropriate, and as applicable pursuant to the maintenance requirement under section 5153(c).

(ii) Protection against vulnerabilities posed by ownership of commercial satellite systems or other space assets as a critical infrastructure sector; and

(iii) Protection against jamming, eavesdropping, hijacking, computer network exploitation, spoofing, threats to optical satellite communications, and electromagnetic pulse.

(iv) Security against threats throughout a commercial satellite system’s mission lifetime.

(v) Management of supply chain risks that affect the cybersecurity of commercial satellite systems.

(vi) Protection against vulnerabilities posed by locating physical infrastructure, such as satellite ground control systems, in foreign countries.

(vii) As appropriate, and as applicable pursuant to the maintenance requirement under subsection (b)(3), consult with non-Federal entities developing commercial satellite systems, and improve the cybersecurity of commercial satellite systems, which shall include an identification of—

(1) proposed roles and responsibilities for relevant agencies;

(2) applicable, the extent to which cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans.

(2) REQUIREMENTS.—The tiers required to be developed under subparagraph (A) shall—

(I) prioritize—

(A) strong evidence from not less than 1 well-designed and well-implemented experimental study; and

(B) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; and

(ii) consider promising evidence that demonstrates a rationale based on high-quality research findings or positive evaluations of well-designed and well-implemented interventions that demonstrate a likely positive effect on improving safety or security, or both, for faith-based organizations and houses of worship.

(E) PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

(i) identify areas of concern for faith-based organizations and houses of worship, including event planning recommendations,
checklists, facility hardening, tabletop exercise resources, and other resilience measures;

(‘B) involve comprehensive safety measures, including preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of faith-based organizations and houses of worship;

(‘C) involve comprehensive safety measures, including preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of faith-based organizations and houses of worship from man-made and natural disasters;

(‘D) include any evidence or research related to the practices and recommendations of the Clearinghouse that the best practices or recommendations under subparagraph (B) have been shown to have a significant effect on improving the safety and security of individuals in faith-based organizations and houses of worship, including—

(i) findings and data from previous Federal, State, local, Tribal, territorial, private sector, and nongovernmental organization research centers relating to safety, security, and targeted violence at faith-based organizations and houses of worship;

(ii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the security posture of a faith-based organization or house of worship upon implementation; and

(B) in coordination with the Faith-Based and Neighborhood Partnerships, the Department of Justice, the Executive Director of the White House Office of Homeland Security, and the Committee on the Judiciary of the Senate; and

(B) the applicable Cybersecurity and Infrastructure Security Agency contact information to reach Department personnel to assist with grant-related questions;

(2) the applicable Cybersecurity and Infrastructure Security Agency contact information to connect houses of worship with Protective Security Advisors;

(3) contact information for all Department Fusion Centers, listed by State;

(4) information on the If you See Something Say Something Campaign of the Department; and

(5) any other appropriate contacts.

SEC. 5167. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to create, vary, or require any requirement under Federal civil rights laws, including—

(1) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); or

(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 5168. EXEMPTION.

Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”) shall not apply to any rulemaking or information collection required under this subtitle or under section 5163 of the Homeland Security Act of 2002, added by section 5163 of this subtitle.

Subtitle H—Invent Here, Make Here for Homeland Security Act

SEC. 5171. SHORT TITLE.

This subtitle may be cited as the “Invent Here, Make Here for Homeland Security Act”.

SEC. 5172. PREFERENCE FOR UNITED STATES INDUSTRY.

Section 308 of the Homeland Security Act of 2002 (6 U.S.C. 186) is amended by adding at the end the following:

(4) PREFERENCE FOR UNITED STATES INDUSTRY.
improve coordination and response to the number of encounters and amount of seizures of illicit narcotics along the southwest border.

Section 708(b) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) is amended—

(1) by striking paragraph (b) and inserting the following:

"(b) JOINT TASK FORCE STAFF.—(A) IN GENERAL.—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of that Joint Task Force in the mission, and responsibilities of that Joint Task Force.

(B) REPORT.—The Secretary shall include in the report submitted under paragraph (6)(F)—

(i) the number of personnel permanently assigned to each Joint Task Force by each component and office.

(ii) the number of personnel assigned on a temporary basis to each Joint Task Force by each component and office.

"(2) CONDITIONS ON WAIVERS GRANTED BY DEPARTMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), in individual cases, the requirement for a waiver under subparagraph (A) if, as a result of the waiver, products embodying the applicable subject invention, will be manufactured substantially in the United States.

(B) PROHIBITION ON GRANTING CERTAIN WAIVERS.—(A) The Secretary may not grant a waiver under subparagraph (A) if, as a result of the waiver, products embodying the applicable subject invention, or produced through the use of the applicable subject invention, will be manufactured substantially in a country of concern."

Subtitle I—DHS Joint Task Forces Reauthorization and Integration into Governmental Affairs

SEC. 5181. SHORT TITLE.

This subtitle may be cited as the “DHS Joint Task Forces Reauthorization Act of 2022.”

SEC. 5182. SENSE OF THE SENATE.

It is the sense of the Senate that the Department of Homeland Security should consider using the authority under subparagraph (b) of section 708 of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) to create a Joint Task Force described in such subsection to incorporate new technologies, and to improve coordination and response to the number of encounters and amount of seizures of illicit narcotics along the southwest border.

Section 708(b) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) is amended—

(1) by striking paragraph (b) and inserting the following:

"(b) JOINT TASK FORCE STAFF.—(A) IN GENERAL.—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of that Joint Task Force in the mission, and responsibilities of that Joint Task Force.

(B) REPORT.—The Secretary shall include in the report submitted under paragraph (6)(F)—

(i) the number of personnel permanently assigned to each Joint Task Force by each component and office.

(ii) the number of personnel assigned on a temporary basis to each Joint Task Force by each component and office.

"(2) CONDITIONS ON WAIVERS GRANTED BY DEPARTMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), in individual cases, the requirement for a waiver under subparagraph (A) if, as a result of the waiver, products embodying the applicable subject invention, will be manufactured substantially in the United States.

(B) PROHIBITION ON GRANTING CERTAIN WAIVERS.—(A) The Secretary may not grant a waiver under subparagraph (A) if, as a result of the waiver, products embodying the applicable subject invention, or produced through the use of the applicable subject invention, will be manufactured substantially in a country of concern."

Subtitle J—Other Provisions

CHAPTER I—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS

SEC. 5191. CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS.

(a) TECHNICAL AMENDMENT RELATING TO DOTGOV ACT OF 2020.


(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

(3) CONSIDERATION OF OTHER AMENDMENTS.—(I) in general.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting before the subtitle A the following heading:

"SEC. 2200. DEFINITIONS.

"Except as otherwise specifically provided, in this title:

"(1) AGENCY.—The term ‘Agency’ means the Cybersecurity and Infrastructure Security Agency.

"(2) AGENCY INFORMATION.—The term ‘agency information’ means information collected or maintained by or on behalf of an agency.

"(3) AGENCY INFORMATION SYSTEM.—The term ‘agency information system’ means an information system used or operated by an agency or by another entity on behalf of an agency.

"(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

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

(B) the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

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

"(C) the Committee on Homeland Security and Governmental Affairs of the House of Representatives; and

"(D) any planned or past operational problems of the Joint Task Forces.

"(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

(3) CONSIDERATION OF OTHER AMENDMENTS.—(I) in general.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting before the subtitle A the following heading:

"SEC. 2200. DEFINITIONS.

"Except as otherwise specifically provided, in this title:

"(1) AGENCY.—The term ‘Agency’ means the Cybersecurity and Infrastructure Security Agency.

"(2) AGENCY INFORMATION.—The term ‘agency information’ means information collected or maintained by or on behalf of an agency.

"(3) AGENCY INFORMATION SYSTEM.—The term ‘agency information system’ means an information system used or operated by an agency or by another entity on behalf of an agency.

"(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

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

(B) the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

"(5) CRITICAL INFRASTRUCTURE INFORMATION.—The term ‘critical infrastructure information’ means information not customarily in the public domain and related to the security of critical infrastructure or protected systems—

(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair,
(6) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ means information that is necessary to describe or identify—

(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

(E) malicious cyber command and control;

(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

(G) any combination thereof.

(7) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

(8) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism and

(b) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(9) CYBERSECURITY THREAT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘cybersecurity threat’ means an act, action, or event that may result in unauthorized access to, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism and

(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(10) DEFENSIVE MEASURE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘defensive measure’ means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

(B) The term ‘defensive measure’ does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information that is stored on, processed by, or transiting such information system not owned by—

(i) the entity operating the measure; or

(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

(11) DIRECTOR.—The term ‘Director’ means the Director of the Agency.

(12) HOMELAND SECURITY ENTERPRISE.—The term ‘Homeland Security Enterprise’ means relevant governmental and non-governmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

(13) INCIDENT.—The term ‘incident’ means an occurrence that actually or imminently jeopardizes, without lawful authority, an information system, or actually or imminently jeopardizes, without lawful authority, an information system that is—

(A) gathering and analyzing critical infrastructure information related to cybersecurity risks and incidents, in order to better understand security problems and their causes related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of cybersecurity command and control, or an incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems, and

(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ‘Information Sharing and Analysis Organization’ means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

(A) gathering and analyzing critical infrastructure information related to cybersecurity risks and incidents;

(B) facilitating information sharing and analysis organizations’;

(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

(15) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given in section 3502 of title 44, United States Code.

(16) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(17) INTRUSION.—The term ‘intrusion’ means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

(18) NATIONALLY CRITICAL ASSET RESPONSE ACTIVITIES.—The term ‘nationally critical asset response activities’ means—

(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

(C) assessing cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

(D) facilitating sharing and operational coordination with threat response; and

(E) providing guidance on how best to utilize Information Sharing and Analysis Organizations in a timely, effective manner to speed recovery from cybersecurity risks.

(19) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given in section 11103 of title 40, United States Code.

(20) SECURITY RISK MANAGEMENT AGENCY.—The term ‘Security Risk Management Agency’ means a Federal department or agency, designated by law or Presidential directive, providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

(21) SECURITY VULNERABILITY.—The term ‘security vulnerability’ means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(22) SHARING.—The term ‘sharing’ (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such term).’’.}

(b)(12)’’; and

(C) in section 2209 (6 U.S.C. 659)—

(i) by striking subsection (a),

(ii) by redesignating subsections (b) through (j), as so redesignated, as subsections (a) through (n), respectively;

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

(I) by inserting ‘‘Executive’’ before ‘‘Assistant Director’’;

(II) in paragraph (2), by inserting ‘‘Executive’’ before ‘‘Assistant Director’’;

(23) SEC. 2201. DEFINITION.

In this subtitle, the term ‘Cybersecurity Advisory Committee’ means the advisory committee established under section 2219(a).’’.}

(b) in section 2302 (6 U.S.C. 652)—

(i) in subsection (a), by striking ‘‘(in this subtitle referred to as the ‘Director’)’’;

(ii) by redesignating subsections (o) and (p) and second subsections (p) and (q) as subsections (a) through (n), respectively;

(iii) in subsection (b)(1), by striking ‘‘(in this subtitle referred to as the ‘Director’)’’;

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

(I) in the matter preceding paragraph (1), by striking ‘‘(in this subtitle referred to as ‘the Agency’)’’;

(II) in paragraph (2), by inserting ‘‘Executive’’ before ‘‘Assistant Director’’;

(24) SEC. 2205. TERRITORY AND POSSESSIONS.

(a) in section 2023 (6 U.S.C. 662)—

(i) by striking paragraphs (4)(A)(iv) and (5)(B)(iii), as so redesignated, as paragraphs (4)(A)(ii) and (5)(B)(ii), respectively;

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

(I) in paragraph (1), by striking ‘‘Executive’’ before ‘‘Assistant Director’’;

(II) in paragraph (2), by inserting ‘‘Executive’’ before ‘‘Assistant Director’’;

(III) by inserting ‘‘Executive’’ before ‘‘Assistant Director’’;

(iii) in subsection (c)(2), as so redesignated—

(I) in the matter preceding paragraph (1), by striking ‘‘Executive’’ and inserting ‘‘Assistant Director’’; and

(II) in paragraph (2), by inserting ‘‘Executive’’ before ‘‘Assistant Director’’;

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

(I) in the matter preceding paragraph (1), by striking ‘‘Executive’’ and inserting ‘‘Assistant Director’’; and

(II) in paragraph (2), by inserting ‘‘Executive’’ before ‘‘Assistant Director’’;
D in section 2210 (6 U.S.C. 660)—
(i) by striking subsection (a); (ii) by redesigning subsections (b) through (e) as subsections (a) through (d), respectively; (iii) in subsection (b), as so redesignated—(I) by striking ‘‘information sharing and analysis organizations (as defined in section 2220(b)(1))’’; (II) in section 2222 (6 U.S.C. 671)—(i) by striking paragraphs (3), (5), and (8); (ii) by redesigning paragraph (4) as paragraph (3) and redesigning paragraphs (6) and (7) as paragraphs (4) and (5), respectively. (3) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—(A) by inserting before the item relating to subtitle A the following: ‘‘Sec. 2200. Definitions.‘’; and (B) by striking the item relating to section 2201 and inserting the following: ‘‘Sec. 2200. Definitions.‘’.
(4) CYBERSECURITY ACT OF 2015 DEFINITIONS.—Section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501) is amended—(A) by striking paragraphs (4) through (7) and inserting the following: ‘‘(4) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.’’; (B) by striking section 2201(5) and inserting ‘‘section 2200(5)’’.
(5) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.
(6) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.
(7) DEFENSIVE MEASURE.—The term ‘‘defensive measure’’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.
(8) SECURITY VULNERABILITY.—The term ‘security vulnerability’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.
(9) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—(1) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—The Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1321 et seq.) is amended—(A) in section 222 (6 U.S.C. 1521)—(i) in paragraph (2), by striking ‘‘section 2110’’ and inserting ‘‘section 2200’’; and (ii) in paragraph (4), by striking ‘‘2009’’ and inserting ‘‘2015’’; (B) in section 223(b) (6 U.S.C. 151 note), by striking ‘‘section 2213(b)(1)’’ each place it appears and inserting ‘‘section 2213(a)(1)’’; (C) in section 226 (6 U.S.C. 1524)—(i) in subsection (a)—(I) in paragraph (1), by striking ‘‘section 2213’’ and inserting ‘‘section 2200’’; (II) in paragraph (2), by striking ‘‘section 102’’ and inserting ‘‘section 2200 of the Homeland Security Act of 2002’’; (III) in paragraph (4), by striking ‘‘section 2213(b)(1)’’ and inserting ‘‘section 2213(a)(1)’’; and (IV) in paragraph (5), by striking ‘‘section 2213(b)’’ and inserting ‘‘section 2213(a)’’; (D) in section 227(b) (6 U.S.C. 1525(b)), by striking ‘‘section 2213(d)(2)’’ and inserting ‘‘section 2213(c)(2)’’; (2) PUBLIC HEALTH SERVICE ACT.—Section 262(q)(4)(D) of the Public Health Service Act (42 U.S.C. 300hh-10(b)(4)(D)) is amended by striking ‘‘section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 180(c))’’ and inserting ‘‘section 2213(c)(5) of the Homeland Security Act of 2002 (6 U.S.C. 660(b))’’.
(3) WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2023.—Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2023 (6 U.S.C. 652a) is amended—(A) in subsection (a)—(i) by striking paragraph (5); (ii) by redesigning paragraphs (6) and (7) as paragraphs (5) and (6), respectively; (iii) by amending paragraph (7) to read as follows: ‘‘(7) SECTOR RISK MANAGEMENT AGENCY.—The term ‘Sector Risk Management Agency’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.’’; (B) in subsection (c)(3)(B), by striking ‘‘section 2201(5)’’ and inserting ‘‘section 2200(5)’’.
(C) in subsection (d), by striking ‘‘section 2215 of the Homeland Security Act of 2002, as added by this section’’ and inserting ‘‘section 2200 of the Homeland Security Act of 2002’’.
(6) SMALL BUSINESS ACT.—Section 21(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(8)(B)) is amended by striking ‘‘section 2209(a)’’ and inserting ‘‘section 2200’’.
CHAPTER 2—POST-DISASTER MENTAL HEALTH RESPONSE ACT
SEC. 5191. POST-DISASTER MENTAL HEALTH RESPONSE.
(a) SHORT TITLE.—This section may be cited as the ‘‘Post-Disaster Mental Health Response Act’’.
(b) CRISIS COUNSELING ASSISTANCE AND TRAINING.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173(a)(6)) is amended by inserting ‘‘and section 416 after section 408’’.
(TITLE LII—GOVERNMENTAL AFFAIRS
Subtitle A—Intragovernmental Cybersecurity Information Sharing Act
SEC. 5201. REQUIREMENT FOR INFORMATION SHARING AGREEMENTS.
(a) SHORT TITLE.—This section may be cited as the ‘‘Intragovernmental Cybersecurity and Counterintelligence Information Sharing Act’’.
(b) CONGRESSIONAL LEADERSHIP DEFINED.—In this section, the term ‘‘congressional leadership’’ means—(1) the Majority and Minority Leader of the Senate with respect to an agreement
with the Sergeant at Arms and Doorkeeper of the Senate or the Secretary of the Senate; and
(2) the Speaker and Minority Leader of the House of Representatives with respect to cybersecurity information sharing, in consultation with congressional leadership; and
(b) the Secretary of the Senate with respect to cybersecurity information sharing, in consultation with congressional leadership; and
(c) the Chief Administrative Officer of the House of Representatives with respect to cybersecurity information sharing, in consultation with congressional leadership.
(2) DELEGATION.—If the President delegates the duties under paragraph (1), the designee shall coordinate with appropriate Executive agencies (as defined in section 105 of title 5, United States Code, including the Executive Office of the President) and appropriate officers in the executive branch in enforcement of any agreement described in paragraph (1).
(d) ELEMENTS.—The parties to an information sharing agreement under subsection (c) shall jointly develop such elements of the agreement as the parties find appropriate, which may include—
(1) direct and timely sharing of technical indicators and contextual information on cyber threats and vulnerabilities, and the means for such sharing;
(2) direct and timely sharing of classified and unclassified reports on cyber threats and activities and targeting of Senators, Members of the House of Representatives, or congressional staff, consistent with the protection of sources and methods;
(3) seating of cybersecurity personnel of the Office of the Sergeant at Arms and Doorkeeper of the Senate or the Office of the Chief Administrative Officer of the House of Representatives at cybersecurity operations centers; and
(4) other elements the parties find appropriate.
(e) BRIEFING TO CONGRESS.—Not later than 210 days after the date of enactment of this Act, and at least quarterly thereafter, the President shall brief the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform and the Committee on House Administration of the House of Representatives, and congressional leadership on the status of the implementation of the agreements required under subsection (c).
Subtitle B—Improving Government for America’s Taxpayers
SEC. 5221. GOVERNMENT ACCOUNTABILITY OFFICE UNIMPLEMENTED PRIORITY RECOMMENDATIONS
The Comptroller General of the United States shall, as part of the Comptroller General’s annual reporting to committees of Congress—
(1) consolidate Matters for Congressional Consideration from the Government Accountability Office’s list of unimplemented priority recommendations by policy topic that includes the amount of time such Matters have been unimplemented and submit such report to congressional leadership and the oversight committees of each House;
(2) with respect to the annual letters sent by the Comptroller General to individual agency heads, Congress shall consider the status of unimplemented priority recommendations, identify any additional congressional actions that can help agencies implement such priority recommendations and address any underlying issues relating to such implementation;
(3) make publicly available the information described in paragraphs (1) and (2); and
(4) publish any known costs of unimplemented priority recommendations, if applicable.
Subtitle C—Advancing American AI Act
SEC. 5222. SHORT TITLE. This subtitle may be cited as the “Advancing American AI Act”.
SEC. 5223. PURPOSES. The purposes of this subtitle are to—
(1) encourage agency artificial intelligence—based initiatives that enhance the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurship;
(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;
(3) promote adoption of modernized business practices and advanced technology across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties, and
(4) test and harness applied artificial intelligence to enhance mission effectiveness and business practice efficiency.
SEC. 5224. DEFINITIONS. In this subtitle—
(1) AGENCY.—The term “agency” means the meaning given the term in section 502 of title 44, United States Code.
(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—
(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and
(B) the Committee on Oversight and Reform of the House of Representatives.
(3) ARTIFICIAL INTELLIGENCE.—The term “artificial intelligence” has the meaning given the term in section 230(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2308).
(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term “artificial intelligence system”—
(A) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—
(i) the data system, software, application, tool, or utility is enabled primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or
(ii) artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system;
(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.
(5) DEPARTMENT.—The term “Department” means the Department of Homeland Security.
(6) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.
SEC. 5224. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.
(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–294; 50 U.S.C. 2309 note), consider—
(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled “Key Considerations for the Responsible Development and Fielding of AI”, as updated in April 2021;
(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and
(3) the input of—
(A) the Privacy and Civil Liberties Oversight Board;
(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Security Officers Council, and the Chief Data Officers Council;
(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and
(D) any other individual or entity the Director determines to be appropriate.
(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act—
(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Office for Civil Rights and Civil Liberties of the Department and any other person determined to be relevant by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—
(A) the acquisition and use of artificial intelligence; and
(B) the considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—
(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems;
and
(ii) security against misuse, degradation, or rendering inoperable of artificial intelligence-enabled systems; and
(2) the Chief Privacy Officer and the Office for Civil Rights shall report to Congress on any additional staffing or funding resources that may be required to carry out the requirements of this subsection.
(c) INSPECTOR GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—
(1) artificial intelligence systems;
(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and
(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including—
(A) ensure the integrity of audit and investigative results; and
(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial means by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(i) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division B of Pub. L. 116–260); and

(ii) address protection of privacy, civil rights, and civil liberties;

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1); and

(C) organizes data for meaningful data visualization and analysis; and

(D) is rapidly configurable to support multiple applications and automatically adapts awareness to improve use case outcomes; and

(ii) predictive medical supplies and equipment demand and optimized supply;

(ii) predictive medical supplies and equipment demand and optimized supply; or

(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(b) PILOT PROGRAM.—

(1) P URPOSES.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall initiate the piloting of the 4 new artificial intelligence use case applications (identified under subsection (a)) leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems and

(B) develop an overarching risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as intended;

(ii) the lack of sufficient or quality training data; and

(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PRIORITIZATION.—In carrying out paragraphs (2) and (3), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, learning, and secure multiparty computing; and

(B) otherwise take into account considerations of civil rights and civil liberties.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

(d) DEPARTMENT OF DEFENSE.—Nothing in this section shall apply to the Department of Defense.

SEC. 5225. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(b) annually thereafter on the implementation of this subsection.

(b) PILOT PROGRAM.—

(1) P URPOSES.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall initiate the piloting of the 4 new artificial intelligence use case applications (identified under subsection (a)) leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems and

(B) develop an overarching risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as intended;

(ii) the lack of sufficient or quality training data; and

(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PRIORITIZATION.—In carrying out paragraphs (2) and (3), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, learning, and secure multiparty computing; and

(B) otherwise take into account considerations of civil rights and civil liberties.

SEC. 5227. ENABLING ENTREPRENEURS AND AGENCY MACHINES.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—

(1) in subsection (c), by striking "$10,000,000" and inserting "$25,000,000";
SEC. 5233. STRATEGIC GUIDANCE.
(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Director of National Intelligence, shall develop and periodically update the Department's strategic plan for managing the cybersecurity vulnerabilities of Federal electric vehicles.
(b) CONTENTS.—The strategic plan required under subsection (a) shall—
(1) set forth the results of any public or private risk assessment of the cybersecurity vulnerabilities of Federal electric vehicles;
(2) incorporate—
(A) guidelines for optimal charging practices that will maximize battery longevity and prevent premature degradation;
(B) guidelines for reusing and recycling the batteries of retired vehicles;
(C) guidelines for disposing electric vehicle batteries that cannot be reused or recycled; and
(3) include any other considerations determined appropriate by the Administrator and the Director.
(c) IMPLEMENTATION.—The Administrator and the Director shall ensure that the reports online portal.
(d) NO CONGRESSIONAL MANDATED REPORT.—The term "congressionally mandated report" does not include a report required under part B of subtitle II of title 36, United States Code.

SEC. 5243. ESTABLISHMENT OF ONLINE PORTAL FOR CONGRESSIONALLY MANDATED REPORTS.
(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an online portal accessible by the public that allows the public to obtain electronic copies of congressionally mandated reports.
(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director in consultation with the Director of National Intelligence.
(3) CONSULTATION.—In carrying out this subtitle, the Director shall consult with the Committee on Appropriations, the Committee on Foreign Relations of the Senate, and the Committee on Armed Services, the Committee on Intelligence, the Select Committee on Intelligence, and the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the House of Representatives regarding the requirements for and maintenance of congressionally mandated reports.
(b) CONTENT AND FUNCTION.—The term "congressionally mandated report" does not include a report that is required to be submitted to one or more of the following committees:
(1) The Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Relations of the Senate.
(2) The Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Affairs of the House of Representatives.
(3) The term "Director" means the Director of the Government Publishing Office.
(4) THE FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "federal agency" under section 102 of title 44, United States Code, but does not include the Government Accountability Office or an element of the intelligence community.
(5) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term in section 2 of the National Security Act of 1947 (50 U.S.C. 3003).
(6) REPORTS ONLINE PORTAL.—The term "reports online portal" means the online portal established under section 5233(a).

SEC. 5244. APPROPRIATE CONGRESSIONAL COMMITTEES.—
(A) IN GENERAL.—The term "appropriate congressional committees" means—
(1) the Committee on Appropriations of the House of Representatives; and
(2) the Committee on Appropriations of the Senate.
(B) EXCLUSIONS.—
(1) INSPECTORS GENERAL.—The term "congressionally mandated report" does not include a report by an office of an inspector general.
(2) NATIONAL SECURITY EXCEPTION.—The term "congressionally mandated report" does not include a report required under part B of subtitle II of title 36, United States Code.

SEC. 5245. ESTABLISHMENT OF ONLINE PORTAL FOR FEDERAL AGENCY REPORTS.
(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an online portal accessible by the public that allows the public to obtain electronic copies of Federal agency reports.
(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director in consultation with the Director of National Intelligence.
(3) CONSULTATION.—In carrying out this subtitle, the Director shall consult with the Committee on Appropriations, the Committee on Foreign Relations of the Senate, and the Librarian of Congress regarding the requirements for and maintenance of Federal agency reports.

SEC. 5246. APPROPRIATE CONGRESSIONAL COMMITTEES.—
(A) IN GENERAL.—The term "appropriate congressional committees" means—
(1) the Committee on Appropriations of the House of Representatives; and
(2) the Committee on Appropriations of the Senate.
(B) EXCLUSIONS.—
(1) INSPECTORS GENERAL.—The term "congressionally mandated report" does not include a report by an office of an inspector general.
(2) NATIONAL SECURITY EXCEPTION.—The term "congressionally mandated report" does not include a report required under part B of subtitle II of title 36, United States Code.

SEC. 5247. ESTABLISHMENT OF ONLINE PORTAL FOR CRYPTOGRAPHIC PRODUCTS.
(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an online portal accessible by the public that allows the public to obtain electronic copies of cryptographic products.
(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director in consultation with the Director of National Intelligence.
(3) CONSULTATION.—In carrying out this subtitle, the Director shall consult with the Committee on Appropriations, the Committee on Foreign Relations of the Senate, and the Librarian of Congress regarding the requirements for and maintenance of cryptographic products.

SEC. 5248. ESTABLISHMENT OF ONLINE PORTAL FOR CRYPTOGRAPHIC PRIVILEGE PRODUCTS.
(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an online portal accessible by the public that allows the public to obtain electronic copies of cryptographic privilege products.
(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director in consultation with the Director of National Intelligence.
(3) CONSULTATION.—In carrying out this subtitle, the Director shall consult with the Committee on Appropriations, the Committee on Foreign Relations of the Senate, and the Librarian of Congress regarding the requirements for and maintenance of cryptographic privilege products.

SEC. 5249. ESTABLISHMENT OF ONLINE PORTAL FOR CRYPTOGRAPHIC SECURITY PRODUCTS.
(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an online portal accessible by the public that allows the public to obtain electronic copies of cryptographic security products.
(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director in consultation with the Director of National Intelligence.
(3) CONSULTATION.—In carrying out this subtitle, the Director shall consult with the Committee on Appropriations, the Committee on Foreign Relations of the Senate, and the Librarian of Congress regarding the requirements for and maintenance of cryptographic security products.
(iii) is not encumbered by any restrictions that would impede the reuse or searchability of the report.

(C) The ability to retrieve a report, to the extent practicable, through searches based on each, and any combination, of the following:

(1) The title of the report;

(2) Reporting Federal agency;

(3) The date of publication;

(4) Each congressional committee or subcommittee receiving the report, if applicable;

(v) The statute requiring the report;

(vi) Subject tags.

(vii) A unique alphanumeric identifier for the report that is consistent across report editions;

(viii) The serial number; Superintendent of Documents number, or other identification number for the report, if applicable.

(ix) Key words.

(x) Full text search.

(xi) Any other relevant information specified by the Director.

(D) The date on which the report was required to be submitted, and on which the report was submitted, to the reports online portal.

(E) To the extent practicable, a permanent means of accessing the report electronically.

(2) In the case of information required to be published on the reports online portal each congressionally mandated report of the agency, as required by sections 5243 and 5244.

(3) A means for downloading individual reports as the result of a search.

(F) For downloading a report means for the head of each Federal agency to submit to the reports online portal each congressionally mandated report of the agency, as required by sections 5243 and 5244.

(4) In tabular form, a list of all congressionally mandated reports that can be searched, sorted, and downloaded by—

(A) reports submitted within the required time;

(B) reports submitted after the date on which such reports were required to be submitted;

(C) to the extent practicable, reports not submitted.

(G) NONCOMPLIANCE BY FEDERAL AGENCIES.—

(1) REPORTS NOT SUBMITTED.—If a Federal agency does not submit a congressionally mandated report to the Director, the Director shall to the extent practicable—

(A) include on the reports online portal—

(i) the information required under clauses (l), (ii), (iv), and (v) of subsection (b)(1)(C); and

(ii) the date on which the report was required to be submitted; and

(B) include the congressionally mandated report on the list described in subsection (b)(5)(C).

(2) REPORTS NOT IN OPEN FORMAT.—If a Federal agency submits a congressionally mandated report that does not meet the criteria described in subsection (b)(1)(B), the Director shall still include the congressionally mandated report on the reports online portal.

(d) DEADLINE.—The Director shall ensure that information required to be published on the reports online portal under this subtitle with respect to a congressionally mandated report or information required under subsection (c) of this section is published—

(1) not later than 30 days after the information is received from the Federal agency involved;

(2) in the case of information required under subsection (c), not later than 30 days after the deadline under this subtitle for the Federal agency involved to submit information to the congressionally mandated report involved.

(e) EXCEPTION FOR CERTAIN REPORTS.—
SEC. 5121. Establishment.

The Secretary of Commerce, in consultation with the Secretary of Energy, the National Security Advisor, the heads of other relevant Federal agencies, and the heads of other foreign entities with a significant interest in the Center, shall establish the United States – Israel Artificial Intelligence Intelligence Center (referred to in this sections as the “Center”) in the United States.

(d) Purpose.—The purpose of the Center shall be to leverage the experience, knowledge, and expertise of institutions of higher education and entities in the United States and the State of Israel (referred to in this section as “Israel”) to develop more robust research and development cooperation in the area of—

(1) machine learning;
(2) image classification;
(3) object detection;
(4) speech recognition;
(5) natural language processing;
(6) data labeling;
(7) computer vision; and
(8) model explainability and interpretability.

(e) Artificial Intelligence Principles.—In carrying out the purposes described in subsection (d), the Center shall adhere to the principles for the use of artificial intelligence in the Federal Government set forth in section 3 of Executive Order 13960 (85 Fed. Reg. 78939).

(f) International Partnerships.—(1) In General.—The Secretary of State and the heads of other relevant Federal agencies, subject to the availability of appropriations, may enter into agreements supporting and enhancing dialogue and planning involving international partnerships between the Department of State and such agencies and the Government of Israel and its ministries, offices, and institutions.

(g) Limitations.—The Center is prohibited from receiving any investment from or contracting with—

(1) any individual or entity with ties to any entity affiliated (officially or unofficially) with the Chinese Communist Party, the People’s Liberation Army, or the government of a foreign country of concern;
(2) any entity owned, controlled by, or affiliated with the Chinese Communist Party or the People’s Republic of China, or in which the government of a foreign country of concern has an ownership interest; or
(3) any entity on the Entity List that is capable of being acquired by or transferred for a counterintelligence threat to the United States.

(h) Reporting.—The Secretary of Commerce, in consultation with the Secretary of Energy, the National Security Advisor, and the heads of relevant Federal agencies, shall—

(1) assess—
(A) whether the Center or its participants institutions pose a counterintelligence threat to the United States;
(B) what specific measures the Center has implemented to ensure that intellectual property developed with the assistance of the Center has sufficient protections in place to prevent theft; and
(C) other threats from a foreign country of concern and other entities; and
(2) submit a report to Congress containing the results of the assessment described in paragraph (1).

(i) Authorization of Appropriations.—There is authorized to be appropriated for the Center $10,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

SA 6466. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—OCEANS AND ATMOSPHERE

SEC. 5001. TABLE OF CONTENTS.

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Subtitle B—United States Coral Reef Task Force

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Sec. 5122. Duties.

Sec. 5123. Membership.

Sec. 5124. Responsibilities of Federal agency members.

Sec. 5125. Working groups.

Sec. 5126. Definitions.

Subtitle C—Department of the Interior Coral Reef Authorities

Sec. 5131. Coral reef conservation and restoration assistance.

Subtitle D—Susan L. Williams National Coral Reef Management Fellowship

Sec. 5141. Short title.

Sec. 5142. Definitions.

Sec. 5143. Establishment of fellowship program.

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TITLE LII—BOLSTERING LONG-TERM UNDERSTANDING AND EXPLORATION OF THE GREAT LAKES, OCEANS, BAYS, AND ESTUARIES

Sec. 5201. Short title.

Sec. 5202. Purpose.

Sec. 5203. Sense of Congress.

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Sec. 5205. Workforce study.

Sec. 5206. Accelerating innovation at Cooperative Institutes.

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Sec. 5208. No additional funds authorized.

Sec. 5209. No additional funds authorized.

TITLE LIII—REGIONAL OCEAN PARTNERSHIPS

Sec. 5301. Short title.

Sec. 5302. Findings; sense of Congress; purposes.

Sec. 5303. Regional Ocean Partnerships.

TITLE LIV—NATIONAL OCEAN EXPLORATION

Sec. 5401. Short title.
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Sec. 5721. Avoidance of duplication.
Sec. 5722. Authorization of appropriations.

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Sec. 5802. Definitions.
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TITLE LI—VOLCANIC ASH AND FUMES
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Sec. 5503. Stranding or entanglement response agreements.
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Sec. 5509. Report to Congress.
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TITLE LV—MINING RESEARCH AND DEVELOPMENT
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Sec. 5402. Definitions.
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Sec. 5315. Wildfire technology modernization amendments.
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partnering with existing data repositories. of—

“(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

“(B) the Task Force.

“(c) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subsection is one of the following:

“(1) The National Oceanic and Atmospheric Administration.

“(2) The National Park Service.

“(3) The United States Fish and Wildlife Service.

“(4) The Office of Insular Affairs.

“SEC. 204. NATIONAL CORAL REEF RESILIENCE STRATEGY.

“(a) IN GENERAL.—The Administrator shall—

“(1) not later than 2 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, develop a national coral reef resilience strategy; and

“(2) periodically thereafter, but not less frequently than once every 15 years (and not less frequently than once every 3 years, in the case of guidance on best practices under subsection (b)(4)), review and revise the strategy as appropriate.

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

“(1) A discussion addressing—

“(A) continuing and emerging threats to the resilience of United States coral reef ecosystems;

“(B) remaining gaps in coral reef ecosystem research, monitoring, and assessment;

“(C) the status of management cooperation and integration among Federal reef managers and covered reef managers;

“(D) the status of efforts to manage and disseminate critical information, and enhance interjurisdictional data sharing, in research, reports, datasets, and maps;

“(E) areas of special focus, which may include—

“(i) improving natural coral recruitment;

“(ii) preventing avoidable losses of corals and their habitat;

“(iii) enhancing the resilience of coral populations;

“(iv) supporting a resilience-based management approach;

“(v) developing, coordinating, and implementing watershed management plans; and

“(vi) maintaining, improving, and expanding management capacity at the local level;

“(vii) providing data essential for coral reef fishery management;

“(viii) building capacity for coral reef fisheries management;

“(ix) increasing understanding of coral reef ecosystem services;

“(x) enhancing the public on the importance of coral reefs, threats and solutions; and

“(xi) evaluating intervention efficacy.

“(f) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.—Each plan prepared under paragraph (1) shall be subject to the requirements of subchapter II of chapter 5, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(g) PLANS PREPARED BY COVERED REEF MANAGERS.—

“(1) IN GENERAL.—A covered reef manager may elect to prepare, submit to the Task Force, and maintain a coral reef action plan to guide management and restoration activities necessary to be undertaken within the jurisdictional boundaries of the manager.

“(2) EFFECTIVE PERIOD.—A plan prepared under this subsection shall be in effect for 5 years, or until an updated plan is submitted to the Task Force, whichever occurs first.

“(3) ELEMENTS.—A plan prepared under paragraph (1) by a covered reef manager—

“(A) shall contain a discussion of—

“(i) the status of efforts to improve coral reef ecosystem management, cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager;

“(ii) estimated budgetary and resource considerations necessary to carry out the plan;

“(iii) the status of efforts to improve coral reef ecosystem management, cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager;

“(4) Contingencies for response to and recovery from emergencies and disasters.

“(v) in the case of an updated plan, an—

“(A) data management plan to ensure data, assessments, and accompanying information are appropriately preserved, curated, publicly accessible, and broadly re usable; and

“(d) PUBLIC—The Administrator shall publish each coral reef action plan prepared under this section on publicly available internet websites of—
(1) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and (2) the Task Force.

SEC. 206. CORAL REEF STEWARDSHIP PARTNER- SHIPS.

(a) In general.—To further the community-based stewardship of coral reefs, coral reef stewardship partnerships for Federal and non-Federal coral reefs may be established in accordance with this section.

(b) Standards and Procedures.—The Administrator shall develop and adopt—

(1) standards for identifying individual coral reefs and ecologically significant units of a reef to ensure no geographic overlap in representation among stewardship partnerships authorized by this section.

(c) Membership for Federal Coral Reefs.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant unit of a coral reef that is fully or partially under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

(A) A State or county’s resource management agency.

(B) A coral reef research center designated under section 214(b).

(C) A nongovernmental organization.

(d) Membership for Non-Federal Coral Reefs.—

(1) In general.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is not under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

(A) A State or county’s resource management agency or a covered Native entity, a representative of which shall serve as the chairperson of the coral reef stewardship partnership.

(B) A coral reef research center designated under section 214(b).

(C) A nongovernmental organization.

(D) Such other members as the partnership considers appropriate, such as interested stakeholder groups and covered Native entities.

(e) Additional Members.—

(A) In general.—Subject to subparagraph (B), a coral reef stewardship partnership described in paragraph (1) may also include representatives of one or more Federal agencies.

(B) Requests; Approval.—A representative of a Federal agency described in subparagraph (A) may become a member of a coral reef stewardship partnership described in paragraph (1) if—

(i) the representative submits a request to become a member of the partnership referred to in paragraph (1)(A); and

(ii) the chairperson consents to the request.

SEC. 207. BLOCK GRANTS.

(a) In general.—The Administrator shall provide block grants of financial assistance to covered States to support management and restoration activities and further the implementation of coral reef action plans in effect under section 205 by covered States and non-Federal coral reef stewardship partnerships in accordance with this section.

(b) Eligibility for Additional Amounts.—

(1) In general.—A covered State shall qualify for and receive additional grant amounts beyond the base award specified in subsection (c)(1) if there is at least one coral reef action plan in effect within the jurisdiction of the covered State developed by that covered State or a non-Federal coral reef stewardship partnership.

(2) Waiver for certain fiscal years.—The Administrator may waive the requirement of paragraph (1) during fiscal years 2023 and 2024.

(c) Funding Formula.—Subject to the availability of funds under paragraph (1) during fiscal years 2023 and 2024, the amount of each block grant awarded to a covered State under this section shall be the sum of—

(1) a base award of $100,000; and

(2) if the State is eligible under subsection (b)—

(A) an amount that is equal to non-Federal expenditures of up to $3,000,000 on coral reef management and restoration activities within the jurisdiction of the State, as reported within the previous fiscal year; and

(B) an additional amount, from any funds appropriated for block grants under this section that remain after distribution under paragraph (A) and paragraph (1), based on the proportion of the State’s share of total non-Federal expenditures on coral reef management and restoration activities, as reported within the previous fiscal year, in excess of $3,000,000, relative to other covered States.

(d) Exclusions.—For the purposes of calculating block grant amounts under subsection (c), Federal funds provided to a covered State or a non-Federal coral reef stewardship partnership shall not be considered as qualifying non-Federal expenditures, but non-Federal matching funds used to leverage Federal awards shall be considered as qualifying non-Federal expenditures.

(e) Responsibilities of the Administrator.—The Administrator is responsible for—

(1) providing guidance on qualifying non-Federal expenditures and the proper documentation thereof;

(2) issuing annual solicitations to covered States for awards under this section; and

(3) determining the appropriate allocation of funds among covered States in accordance with this section.

(f) Responsibilities of Covered States.—Each covered State is responsible for documenting non-Federal expenditures within the jurisdiction of the State and formally reporting those expenditures for review in response to annual solicitations by the Administrator under subsection (e).

SEC. 208. COOPERATIVE AGREEMENTS.

(a) In general.—The Administrator shall seek to enter into cooperative agreements with covered States to carry out those projects described in paragraph (1) of section 202 to areas in waters managed under the jurisdiction of those covered States that are consistent with the national coral reef resilience strategy in effect under section 204 and any applicable action plans under section 205.

(b) All Islands Committee.—The Administrator may enter into a cooperative agreement with the All Islands Committee of the Task Force to provide support for its activities.

(c) Funding.—Cooperative agreements under subsection (a) shall provide not less than $500,000 to each covered State and are subject to the availability of appropriations.

SEC. 209. CORAL REEF STEWARDSHIP FUND.

(a) Agreement.—The Administrator shall seek to enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the ‘‘Foundation’’), authorizing the Foundation to receive, hold, and administer funds received under this section.

(b) Fund.—

(1) In general.—The Foundation shall establish an account, which shall—

(A) be known as the ‘‘Coral Reef Stewardship Fund’’ (in this section referred to as the ‘‘Fund’’); and

(B) serve as the successor to the account known before the date of the enactment of the Restoring Resilient Reefs Act of 2022 as the Coral Reef Conservation Fund and administered through a public-private partnership with the Foundation.

The Foundation shall deposit funds received under this section into the Fund.

(c) Purposes.—The Fund shall be available solely to support coral reef stewardship activities that—

(1) further the purposes of this title; and

(2) are consistent with—

(i) the national coral reef resilience strategy in effect under section 204; and

(ii) coral reef action plans in effect, if any, under section 205 covering a coral reef or ecologically significant component of a coral reef to be impacted by such activities, if applicable.

(d) Investment of Amounts.—

(A) Investment of amounts.—The Foundation shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(B) Interest and Proceeds.—The interest on, and the proceeds from the sale or re- deemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) Review of Performance.—The Administrator shall conduct a continuing review of all deposits into, and disbursements from, the Fund. Each review shall be a written assessment concerning the extent to which the Foundation has implemented the goals and requirements of—

(1) this section; and

(2) the national coral reef resilience strategy in effect under section 204.

(f) Authorization to Solicit Donations.—

(A) In general.—Pursuant to an agreement entered into under subsection (a), the Foundation may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services) to further the purposes of this title.

(B) Deposits.—Notwithstanding section 3302 of title 31, United States Code, any funds received as a gift shall be deposited and maintained in the Fund.

SEC. 210. COOPERATIVE AGREEMENTS WITH LOCAL GOVERNMENTS.

(a) In general.—The Administrator shall enter into cooperative agreements with local governments to carry out this title to the Foundation. Amounts received by the Foundation under this subsection may be used for——

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matching, in whole or in part, contributions (whether in money, services, or property) made to the Foundation by private persons, State or local government agencies, or covered Native entities.

SEC. 210. EMERGENCY ASSISTANCE.

(a) In general.—Notwithstanding any other provision of law, from funds appropriated to the Administrator under this section, except as provided in subsection (b), the Administrator may provide emergency assistance to any covered State or coral reef stewardship partnership to respond to immediate harm to coral reefs or coral reef ecosystems arising from any of the exigent circumstances described in subsection (c).

(b) Coral reef exigent circumstances.—The Administrator shall develop a list of, and criteria for, circumstances that pose an urgent threat to coral reefs, including—

(1) new and ongoing outbreaks of disease;

(2) new and ongoing outbreaks of invasive or nuisance species;

(3) new and ongoing coral bleaching events;

(4) natural disasters;

(5) industrial or mechanical incidents, such as vessel groundings, hazardous spills, or coastal construction accidents; and

(6) other circumstances that pose an urgent threat to coral reefs.

(c) Annual report on exigent circumstances.—On February 1 of each year, the Administrator shall submit to the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that—

(1) describes locations with exigent circumstances described in subsection (b) that were considered but declined for emergency assistance, and the rationale for the decision; and

(2) with respect to each instance in which emergency assistance under this section was provided—

(A) the location and a description of the exigent circumstances that prompted the emergency assistance, the entity that received the assistance, and the current and expected outcomes from the assistance;

(B) a description of activities of the National Oceanic and Atmospheric Administration funded as a result of providing the emergency assistance;

(C) in the case of an incident described in subsection (b)(5), a statement of whether legal authority was insufficient to respond to the incident, and the rationale for the decision; and

(D) an assessment of whether further action is needed to restore the affected coral reef, recommendations for such restoration, and a cost estimate to implement such recommendations.

SEC. 211. CORAL REEF DISASTER FUND.

(a) Agreements.—The Administrator shall seek to enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the ‘‘Foundation’’), authorizing the Foundation to receive, hold, and administer funds received under this section.

(b) Fund.—

(1) In general.—The Foundation shall establish an account, to be known as the ‘‘Coral Reef Disaster Fund’’ (in this section referred to as the ‘‘Fund’’).

(2) Deposits.—The Foundation shall deposit funds received under this section into the Fund.

(c) Purposes.—The Fund shall be available solely to support the long-term recovery of coral reefs from exigent circumstances described in subsection (b).

(d) Authority to enter into agreements with Federal or State agencies, or covered Native entities. The Administrator in coordination with the Commandant of the Coast Guard, the Administrator of the Maritime Administration, and the heads of other Federal and State agencies as appropriate, shall establish and maintain a program of agricultural aids or other mechanisms for preventive future grounding incidents.

(e) Waiver.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which an applicant can meet the matching requirement with respect to a coral reef project and the probable benefit of the project outweighs the public interest in the matching requirement.

(f) Manner of use.—

(1) In general.—An entity described in paragraph (2) may submit to the Administrator a proposal for a coral reef project.

(2) Entities described.—An entity described in this paragraph is—

(A) a covered reef manager or a covered Native entity—

(i) the individual or entity responsible for coral reef management; or

(ii) the activities of which directly or indirectly affect coral reefs or coral reef ecosystems;

(B) a regional fishery management council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) a coral reef stewardship partnership seeking to implement a coral reef action plan in effect under section 205;

(D) any other entity through significant contributions to the body of existing scientific research on coral reef ecosystems and/or have demonstrated expertise in the conservation or restoration of coral reefs in practice or through significant contributions to the body of existing scientific research on coral reef ecosystems;

(E) an organization that meets the matching requirements of this section.

(3) Eligibility.—

(a) In general.—Pursuant to an agreement entered into under section 217, the Administrator may transfer funds appropriated to carry out this title to the Fund.

(b) Review of performance.—The Administrator shall conduct continuing reviews of the efforts made to implement the goals and requirements of this section.

(c) Authorization to solicit donations.—

(1) In general.—Pursuant to an agreement entered into under section 217, the Administrator may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1942 of title 31, United States Code, any funds received as a gift) that shall be deposited and maintained in the Fund.

(2) Administration.——

(A) The Foundation shall invest such portion of the Fund as is available for investment under this section in the Fund.

(B) The interest and proceeds from the Fund shall be paid to the Administrator to carry out this title and shall be available for use in making grants to eligible entities to carry out the purposes of this title.

(3) Waiver.—The Administrator may waive all or part of the matching requirement under section 217, the Administrator shall conduct continuing reviews of the efforts made to implement the goals and requirements of this section.

(4) Administration.——

(A) The Administrator shall conduct continuing reviews of the efforts made to implement the goals and requirements of this section.

(B) Assistance.—The Administrator shall carry out agreements with Federal or State agencies, or covered Native entities, to provide assistance to the extent practicable to implement such agreements.

(C) Use of funds.—Any appropriated funds made available to the Administrator under this section shall be used for expenses necessary to carry out agreements with Federal or State agencies, or covered Native entities, in accordance with this section.

(D) Use of funds for emergency assistance.—Any appropriated funds made available to the Administrator under this section shall be used for expenses necessary to carry out agreements with Federal or State agencies, or covered Native entities, in accordance with this section.

(E) Use of funds for emergency assistance.—Any appropriated funds made available to the Administrator under this section shall be used for expenses necessary to carry out agreements with Federal or State agencies, or covered Native entities, in accordance with this section.

(F) Use of funds for emergency assistance.—Any appropriated funds made available to the Administrator under this section shall be used for expenses necessary to carry out agreements with Federal or State agencies, or covered Native entities, in accordance with this section.

SEC. 212. VESSEL GROUNDING INVENTORY.

The Administrator, in coordination with the Commandant of the Coast Guard, the Administrator of the Maritime Administration, and the heads of other Federal and State agencies as appropriate, shall establish and maintain a program of vessel grounding inventory including—

(1) the location of each such incident;

(2) vessel and ownership information related to such incident, including—

(A) the name of the individual or entity responsible for conducting the project; and

(3) a succinct statement of the purposes of the project.

The Administrator may provide grants for projects for the conservation and restoration of coral reefs or coral reef ecosystems (referred to as ‘‘coral reef projects’’) pursuant to proposals approved by the Administrator in accordance with this section.

MATCHING REQUIREMENTS FOR GRANTS.

(a) In general.—Except as provided in paragraph (3), Federal funds for any coral reef action plan shall be provided under subsection (a)(1) may not exceed 50 percent of the total cost of the project.

(b) Non-federal share.—The non-federal share of the cost of a coral reef project may be provided by in-kind contributions and other noncash support.

(c) Waiver.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which an applicant can meet the matching requirement with respect to a coral reef project and the probable benefit of the project outweighs the public interest in the matching requirement.

SEC. 213. RUTH D. GATES CORAL REEF CONSERVATION GRANT PROGRAM.

(a) In general.—Subject to the availability of appropriations, the Administrator shall establish a program (to be known as the ‘‘Ruth D. Gates Coral Reef Conservation Grant Program’’) to provide grants for projects for the conservation and restoration of coral reefs or coral reef ecosystems.

(b) Matching requirements for grants.—
(9) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for a grant under this subsection.

(10) (A) subject to subparagraph (A).

(11) (A) The Administrator shall review each coral reef project proposal submitted under this section to determine if the project meets the criteria set forth in subparagraph (f).

(2) PRIORITIZATION OF CONSERVATION PROJECTS.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval under subparagraphs (A) through (L) of subsection (d)(2) that are proposed to be conducted within priority areas identified for coral reef conservation by the Administrator under the national coral reef resilience strategy in effect under section 204.

(3) PRIORITIZATION OF RESTORATION PROJECTS.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval under subparagraphs (A) through (L) of subsection (d)(2) that are proposed to be conducted within priority areas identified for coral reef restoration by the Administrator under the national coral reef resilience strategy in effect under section 204.

(4) REVIEW: APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a proposal for a project under this section, the Administrator shall—

(A) request and consider written comments on the proposal from each Federal agency, State government, covered Native entity, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary or Marine National Monument, with jurisdiction or management responsibilities over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally established priorities, unless such entities were directly involved in the development of the project proposal;

(B) provide for the merit-based peer review of all proposals and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews conducted under paragraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval, with summaries of all written comments, recommendations and peer reviews, to the entity that submitted the proposal, and each of those States, covered Native entity, and other government jurisdictions that provided comments under subparagraph (A).

(iv) conduct public education and awareness programs on promoting more effective coral reef ecosystem restoration and management.

(v) assist in the development and implementation of—

(I) the national coral reef resilience strategy under section 204; and

(II) coral reef action plans under section 205.

(3) Not more than 67 percent of funds distributed in each region in accordance with paragraphs (1) and (2) shall be made exclusively available to projects that are—

(4) Of the funds distributed to support projects in accordance with paragraph (3), not less than 20 percent and not more than 33 percent shall be awarded for projects submitted by a Federal coral reef stewardship partnership.

(b) TASK FORCE.—The Administrator may conclude the Secretary of the Interior and the Task Force to obtain guidance in establishing priorities and evaluating proposals for coral reef projects under this section.

(4) SEC. 214. NON-FEDERAL CORAL REEF RESEARCH.

(a) REEF RESEARCH COORDINATION INSTITUTES.—

(1) ESTABLISHMENT.—The Administrator shall designate 2 research coordination institutes for the purpose of advancing and supporting essential coral reef research, one each in the Atlantic and Pacific basins, to be known as the ‘Atlantic Reef Research Coordination Institute’ and the ‘Pacific Reef Research Coordination Institute,’ respectively.

(2) MEMBERSHIP.—Each institute designated under paragraph (1) shall be housed within a single coral reef research center designated by the Administrator under subsection (b) and may enter into contracts with other coral reef research centers designated under subsection (b) within the same basin to support the institute’s capacity and reach.

(3) FUNCTIONS.—The institutes designated under paragraph (1) shall—

(I) conduct federally directed research to fill national and regional coral reef ecosystem research gaps and improve understanding of, and responses to, continuing and emerging threats to the resilience of United States coral reef ecosystems consistent with the national coral reef resilience strategy in effect under section 204;

(II) support ecological research and monitoring to study the effects of conservation and restoration activities funded by this title on restoration and long-term sustainability of the coral reef management and restoration; and

(III) through agreements—

(i) collaborate directly with government resource management agencies, coral reef stewardship partnerships, nonprofit organizations, and other coral reef research centers designated under subsection (b);}

(iv) conduct public education and awareness programs for policymakers, resource managers, and the general public on—

(I) coral reefs and coral reef ecosystems;

(II) best practices for coral reef ecosystem management and restoration;

(III) the threats to the sustainability of coral reef ecosystems;

(IV) the Atlantic and Pacific Reef Research Centers.—

(I) IN GENERAL.—The Administrator shall—

(II) FUNDING REQUIREMENTS.—To the extent practicable based upon proposals for coral reef research projects submitted to the Administrator, the Administrator shall ensure that funding for grants awarded under this section during a fiscal year is distributed as follows:

(I) Not less than 40 percent of funds available shall be awarded for projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States ocean fora; and

(II) Not less than 40 percent of the funds available shall be awarded for projects in the Atlantic Ocean, the Gulf of Mexico, or the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States.
“(A) periodically solicit applications for designation of qualifying institutions in covered States as coral reef research centers; and

“(B) designate all qualifying institutions in covered States as coral reef research centers.

“(2) QUALIFYING INSTITUTIONS.—For purposes of paragraph (1), an institution is a qualifying institution if the Administrator determines that the institution—

“(A) is operated by an institution of higher education or nonprofit marine research organization;

“(B) has established management-driven national or regional coral reef research or restoration program;

“(C) has demonstrated abilities to coordinate closely with appropriate Federal and State agencies, as well as other academic and nonprofit organizations; and

“(D) maintains significant local community engagement and outreach programs related to coral reef ecosystems.

“SEC. 215. REPORTS ON ADMINISTRATION.

“Not later than 3 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, and every 2 years thereafter, the Administrator shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives a report on the administration of this title during the 2-year period preceding submission of the report, including—

“(1) a description of all activities undertaken to implement the most recent national coral reef resilience strategy under section 214;

“(2) a statement of all funds obligated under the authorities of this title; and

“(3) a summary, disaggregated by State, of Federal and non-Federal contributions toward the costs of each project or activity funded, in full or in part, under the authorities of this title.

“SEC. 216. CORAL REEF PRIZE COMPETITIONS.

“(a) In General.—The head of any Federal agency with a representative serving on the United States Coral Reef Task Force established by Executive Order 13809 (18 U.S.C. 6401 note; relating to coral reef protection), may, individually or in cooperation with one or more agencies, carry out a program to award funds competitively under section 214(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719).

“(b) Program carried out under this section shall be for the purpose of stimulating innovation to advance the ability of the United States to understand, research, or monitor coral reef ecosystems, or to develop management or adaptation options to preserve, sustain, and restore coral reef ecosystems.

“(c) PRIORITY PROGRAMS.—Priority shall be given to establishing programs under this section that address communities, environmental issues, and areas that are in distress as a result of the decline or degradation of coral reef ecosystems, including—

“(1) scientific research and monitoring that furthers understanding of causes behind coral reef decline and degradation and the generally slow recovery following disturbances, including ocean acidification, temperature changes, disease, and their associated impacts on coral physiology;

“(2) the development of monitoring or management options for communities or industries that are experiencing significant financial hardship;

“(3) the development of adaptation options to alleviate economic harm and job loss caused by coral reef ecosystems; and

“(4) the development of measures to help vulnerable communities or industries, with an emphasis on rural communities and businesses; and

“(5) the development of adaptation and management options for impacted tourism industries.

“(b) in subsection (c), by striking “section 204” and inserting “section 216”;

“(c) in subsection (d), by striking “under section 207” and inserting “authorized under this title”;

“(C) has demonstrated abilities to coordinate closely with appropriate Federal and State agencies, as well as other academic and nonprofit organizations; and

“(D) maintains significant local community engagement and outreach programs related to coral reef ecosystems.

“In this title:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.

“(2) ALASKA NATIVE CORPORATION.—The term ‘Alaska Native Corporation’ has the meaning given the term ‘Native Corporation’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1652).

“(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

“(4) CONSERVATION.—The term ‘conservation’ means the use of methods and procedures necessary to preserve or sustain native corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, systems, and communities with related jurisdiction, including—

“(A) all activities associated with resource management, such as monitoring, assessment, protection, restoration, sustainable use, management of habitat, and maintenance or augmentation of genetic diversity;

“(B) mapping;

“(C) scientific expertise and technical assistance in the development and implementation of management strategies for marine protected areas and marine resource conservation, with the National Oceanic and Atmospheric Administration Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

“(D) management jurisdiction over a coral reef ecosystem; and

“(E) conflict resolution initiatives;

“(F) community outreach and education; and

“(G) promotion of safe and ecologically sound navigation and anchoring.

“(5) CORAL.—The term ‘coral’ means species of the phylum Cnidaria, including—

“(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals, organ pipe corals, gorgonians), and Heliopora (blue coral), of the class Anthozoa; and

“(B) all species of the order Anthoathecata (fire corals and other hydrocorals) of the class Hydrozoa.

“(6) COVERED STATE.—The term ‘covered State’ means a covered State with jurisdiction over a coral reef ecosystem.


“(9) COVERED REEF.—The term ‘covered reef’ means a covered reef ecosystem.

“(10) COVERED REEF MANAGER.—The term ‘covered reef manager’ means—

“(A) a management unit of a covered State with jurisdiction over a coral reef ecosystem;

“(B) a covered State; or

“(C) a coral reef stewardship partnership under section 206(d).


“(12) FEDERAL AGENCY.—The term ‘Federal agency’ means—

“(A) a Federal agency with jurisdiction over a coral reef ecosystem.

“(B) a Federal agency with jurisdiction over a coral reef ecosystem.

“(C) a Federal agency with jurisdiction over a coral reef ecosystem.

“(D) the Office of Insular Affairs.

“(C) AGENCY JURISDICTION.—Nothing in this Act shall be construed to expand the jurisdiction of an agency or entity specified in subparagraph (B) or a coral reef stewardship partnership under section 206(c) to coral reefs or coral reef ecosystems outside the boundaries of the jurisdiction of the agency or partnership.

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

“(14) INTERESTED STAKEHOLDER GROUPS.—The term ‘interested stakeholder groups’ includes community members such as businesses, commercial and recreational fishermen, other recreationalists, covered Native entities, Federal, State, and local government units with related jurisdiction, institutions of higher education, and nongovernmental organizations.

“(C) The Department of Hawaiian Home Lands.

“(D) The Office of Insular Affairs.

“(E) A Native Hawaiian organization (as defined in section 6307 of the Elementary and

(16) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means any corpo-
ration, association, cooperative, or other organization, not including an ins-
titution of higher education, that—

(A) is operated primarily for scientific, educational, charitable, or similar pur-
poses in the public interest;

(B) is not organized primarily for profit; and

(C) uses net proceeds to maintain, im-
prove, or expand the operations of the or-
ganization.

(17) RESTORATION.—The term ‘restoration’ means the use of methods and procedures necessary to enhance, rehabilitate, recreate, or create a functioning coral reef or coral reef ecosystem, in whole or in part, within suitable waters of the historical geographic range of such ecosystems, to provide ecologi-
cal, economic, cultural, or coastal resiliency services associated with healthy coral reefs and benefit native populations of coral reef organisms.

(18) RESILIENCE.—The term ‘resilience’ means the capacity for corals within their native range, coral reefs, or coral reef ecosystems to resist and recover from natural and human disturbances, and maintain structure and function to provide ecosystem services supported by clearly definable, measurable, and science-based standards.

(19) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

(20) STATE.—The term ‘State’ means—

(A) any State of the United States that contains a coral reef ecosystem within its seaward boundaries;

(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the United States Virgin Islands;

(C) any other territory or possession of the United States or separate sovereign in free association with the United States that contains a coral reef ecosystem within its seaward boundaries.

(21) STEWARDSHIP.—The term ‘stewardship’, with respect to a coral reef, includes conservation, restoration, and public outreach and education.


(b) CONFIRMING AMENDMENT TO NATIONAL OCEANS AND COASTAL SECURITY ACT.—Sec-
tion 905(a) of the National Oceans and Coastal Security Act (16 U.S.C. 7509(a)) is amended by striking ‘‘and coastal infrastructure’’ and inserting ‘‘, coastal infrastructure, and eco-
system services provided by natural systems such as coral reefs’’.

Subtitle B—United States Coral Reef Task Force

SEC. 5121. ESTABLISHMENT.

There is established a task force to lead, coordinate, and strengthen Federal Government actions to better preserve, conserve, and restore coral reef ecosystems, to be known as the ‘‘United States Coral Reef Task Force’’ (in this subtitle referred to as the ‘‘Task Force’’).

SEC. 5122. DUTIES.

The duties of the Task Force shall be—

(1) to coordinate, in cooperation with cov-
ered States, covered Native entities, Federal reef managers, covered reef managers, coral reef research centers designated under sec-
tion 214(b) of the Coral Reef Conservation Act of 2000 (as amended by section 5111), and other appropri-
ate federal, state, local, territorial, and academic part-
ners as appropriate, activities regarding the mapping, monitoring, research, conserva-
tion, mitigation, and restoration of coral reefs and coral reef ecosystems;

(2) to monitor and advise regarding imple-
mentation of the policy and Federal agency re-
ponsibilities described in the Coral Reef Con-
sevation Act of 2000, as amended by section 5111;

(3) to work, in coordination with the other members of the Task Force—

(A) to assess the United States role in international trade and protection of coral species;

(B) to encourage implementation of appro-
priate strategies and actions to promote con-

ervation and sustainable use of coral reef resources worldwide; and

(C) to collaborate with international com-

munities successful in managing coral reefs;

(4) to provide technical assistance for the development and implementation, as appro-
priate, of—

(A) the national coral reef resilience strat-
egeny under section 204 of the Coral Reef Con-
sevation Act of 2000, as amended by section 5111; and

(B) coral reef action plans under section 206 of that Act; and

(5) to periodically report each year, for sub-
mision to the appropriate congressional committees and publication on a publicly available website of the Task Force, a report highlighting the status of the coral reef equi-
ties of a covered State on a rotating basis, including—

(A) a summary of recent coral reef man-
agement and restoration activities undertaken in that State; and

(B) updated estimates of the direct and in-
direct economic activity supported by, and other benefits associated with, those coral reef equities.

SEC. 5123. MEMBERSHIP.

(a) VOTING MEMBERS.—The voting mem-
bers of the Task Force shall be—

(1) the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of Interior, who shall be co-chairs of the Task Force;

(2) such representatives from other Federal agencies as the President, in consultation with the Under Secretary, determines appropriate; and

(3) the Governor, or a representative of the Governor, of each covered State.

(b) NONVOTING MEMBERS.—The Task Force shall have the following nonvoting members:

(1) a member of the South Atlantic Fish-
ery Management Council who is designated by the Governor of Florida under section 302(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)(1));

(2) a member of the Gulf of Mexico Fishery Management Council who is designated by the Governor of Florida under such section;

(3) a member of the Western Pacific Fish-
ery Management Council who is designated under such section and selected as follows:

(A) For the period beginning on the date of the enactment of this Act and ending on De-
cember 31 of the calendar year during which such date of enactment occurs, the member shall be selected jointly by the governors of Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Is-
lands;

(B) for each calendar year thereafter, the governor of the Commonwealth of the North-
ern Mariana Islands shall, on an alter-

nating basis, take turns selecting the mem-
ber;

(4) a member appointed by the President of the United States Virgin Islands;

(5) a member appointed by the President of the Republic of the Marshall Islands;

(6) a member appointed by the President of the Republic of Palau.

SEC. 5124. RESPONSIBILITIES OF FEDERAL AGEN-
CY MEMBERS.

(a) IN GENERAL.—A member of the Task Force described in section 5123(a) shall—

(1) identify the actions of the agency that member represents that may affect coral reef ecosystems;

(2) utilize the programs and authorities of that agency to protect and enhance the con-

ditions of such ecosystems, including the promu-
gation of basic and applied science research;

(3) collaborate with the Task Force to ap-
propriately reflect budgetary needs for coral reef conservation and restoration activities in the agency budget; and

(4) engage in any other coordinated efforts approved by the Task Force.

(b) CO-CHAIRPERSONS.—In addition to their responsibilities under subsection (a), the co-
chairpersons of the Task Force shall admin-
ister performance of the functions of the Task Force and facilitate the coordination of the members of the Task Force described in section 5123(a).

SEC. 5125. WORKING GROUPS.

(a) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and carry out the duties of the Task Force.

(b) REQUESTS FROM MEMBERS.—The mem-
bers of the Task Force may request that the co-
chairpersons establish a working group under section (a).

(c) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow nongovernmental organizations as ap-
propriate, including, but not limited to, conserva-
tion groups, and commercial and recreational fishing associations, to partici-
pate in a working group established under subsection (a).

(d) NONAPPLICABILITY OF FEDERAL ADVIS-
ORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to working groups established under this section.

SEC. 5126. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term ‘‘appropriate congressional committees’’ means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) CONSERVATION, CORAL, CORAL REEF, 
ETC.—The terms ‘‘conservation’’, ‘‘coral’’, ‘‘coral reef’’, ‘‘coral reef ecosystem’’, ‘‘cov-
ered Native entity’’, ‘‘covered State’’, ‘‘covered reef manager’’, ‘‘covered State’’, ‘‘Federal reef manager’’, ‘‘Native entity’’, ‘‘restoration’’, ‘‘resilience’’, and ‘‘State’’ have the meanings given those terms in section 218 of the Coral Reef Con-
sevation Act of 2000, as amended by section 5111.
Subtitle C—Department of the Interior Coral Reef Authorities

SEC. 5131. CORAL REEF CONSERVATION AND RESTORATION ASSISTANCE.

(a) In General.—The Secretary of the Interior may provide scientific expertise and technical assistance, and subject to the availability of appropriations, financial assistance for conservation and restoration of coral reefs consistent with all applicable laws governing resource management in Federal, State, and Tribal waters, including—

(1) the Coral Reef Resilience Strategy in effect under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111; and

(2) the collection plans in effect under section 205 of that Act, as applicable.

(b) Coral Reef Initiative.—The Secretary may establish a Coral Reef Initiative Program—

(1) to provide grant funding to support local management, conservation, and protection of coral reef ecosystems in—

(A) coastal areas of covered States; and

(B) the collection of coral reef ecosystems in—

(i) coastal areas of covered States; and

(ii) the collection of coral reef ecosystems in—

(B) coral reef action plans in effect under this Act.

(2) reef-based tourism—

(A) to increase the availability of National Park Service and National Wildlife Refuge System management units to implement coral reef conservation and restoration activities;

(3) to complement the other conservation and assistance activities conducted under this Act.

(c) Consultation With the Department of Commerce.—

(1) Coral reef conservation and restoration activities.—The Secretary of the Interior may consult with the Secretary of Commerce regarding the conduct of any activities to conserve and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of the Federal agencies established by subpublic, tribal, or State government, or any instrumentalities thereof.

(2) Coral reef management fellowship program.—The Secretary shall consult with the Secretary of Commerce to award the Susan L. Williams Coral Reef Management Fellowship under subtitle D.

(d) Cooperative Agreements.—Subject to the availability of appropriations, the Secretary of the Interior may enter into cooperative agreements with covered reef managers to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of such managers that—

(1) are consistent with the national coral reef resilience strategy in effect under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111; and

(2) support and enhance the success of coral reef action plans in effect under section 205 of that Act.

(e) Definitions.—In this section:

(1) Conservation Coral Reef Ecosystem.—The terms used in the Coral Reef Ecosystem are defined in section 102 of the Coral Reef Conservation Act of 2000, as amended by section 5111.

(2) Tribe—Tribal.—The terms “Tribe” and “Tribal” are defined under section 102 of the Coral Reef Conservation Act of 2000, as amended by section 5111.

Subtitle D—Susan L. Williams National Coral Reef Management Fellowship

SEC. 5141. SHORT TITLE.

This subtitle may be cited as the “Susan L. Williams National Coral Reef Management Fellowship Act of 2023.”

SEC. 5142. DEFINITIONS.

In this subtitle—

(1) National Coral Reef Initiative Corporation. The term “National Coral Reef Initiative Corporation” means the National Coral Reef Initiative Corporation established under section 5113.

(2) Fellow. The term “fellow” means a National Coral Reef Management Fellow.

(3) Fellowship. The term “fellowship” means the National Coral Reef Management Fellowship established in section 5143.

(4) Covered Native Entities. The term “covered Native entities” means the covered Native entities with coral reef management capacity in States and coral reef resources.


(6) Native Entity. The term “Native entity” means any of the following:

(A) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(B) An Alaska Native Corporation.

(C) The Department of Hawaiian Home Lands.

(D) The Office of Hawaiian Affairs.

(E) A Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

(7) Secretary. The term “Secretary” means the Secretary of Commerce.

SEC. 5143. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

(a) In General.—There is established a National Coral Reef Management Fellowship Program.

(b) Purposes.—The purposes of the fellowship are—

(1) to encourage future leaders of the United States to develop additional coral reef management capacity in States and local communities with coral reefs;

(2) to provide agencies of covered States or covered Native entities with highly qualified candidates whose education and work experience meet the specific needs of each covered State or covered Native entity; and

(3) to provide fellows with professional experience in management of coastal and coral reef resources.

SEC. 5144. FELLOWSHIP AWARDS.

(a) In General.—The Secretary, in partnership with the Secretary of the Interior, shall award fellowships in accordance with this section.

(b) Term of Fellowship.—A fellowship awarded under this section shall be for a term of not more than two years.

(c) Qualifications.—The Secretary shall award the fellowship to individuals who have demonstrated—

(1) an intent to pursue a career in marine services and outstanding potential for such a career;

(2) leadership potential, actual leadership experience, or both;

(3) a college or graduate degree in biological science, a resource management college or graduate degree with experience that correlates with aptitude and interest for marine management, or both;

(4) proficient writing and speaking skills; and

(5) such other attributes as the Secretary considers appropriate.

SEC. 5154. MATCHING REQUIREMENT.

(a) In General.—Except as provided in subsection (b), the non-Federal share of the costs of a fellowship under this section shall be 25 percent of such costs.

(b) Waiver of Requirements.—The Secretary may waive the application of subsection (a) if the Secretary finds that such waiver is necessary to support a project that the Secretary has identified as a high priority.

TITLE LII—BOLSTERING LONG-TERM UNDERSTANDING AND EXPLORATION OF THE GREAT LAKES, OCEANS, BAYS, AND ESTUARIES

SEC. 5201. SHORT TITLE.

This title may be cited as the “Bolstering Long-Term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries Act” or the “BLUE GLOBE Act”.

SEC. 5202. PURPOSE.

The purpose of this title is to promote and support—

(1) the monitoring, understanding, and exploration of the Great Lakes, oceans, bays, estuaries, and coasts; and

(2) the collection, analysis, synthesis, and sharing of data related to the Great Lakes, oceans, bays, estuaries, and coasts to facilitate science and operational decision making.

SEC. 5203. SENSE OF CONGRESS.

It is the sense of Congress that Federal agencies should optimize data collection, management, and dissemination, to the extent practicable, to maximize their impact for research, conservation, commercial, regulatory, national security, and educational benefits and for ocean exploration, scientific discoveries, the development of commercial products, and the development of sound policy with respect to the Great Lakes, oceans, bays, estuaries, and coasts.

SEC. 5204. DEFINITIONS.

In this title:

(1) Administrator. The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

(2) Indian Tribe. The term “Indian Tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

SEC. 5205. WORKFORCE STUDY.

(a) In General. Section 303(a) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 6003(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “Secretary of Commerce” and inserting “Under Secretary of Commerce for Oceans and Atmosphere”; and

(2) in paragraph (2), by inserting “skilled, or credentials” after “degrees”;

(3) in paragraph (3), by inserting “highly qualified technical professionals and tradespeople” after “atmospheric scientists”; and

(5) in paragraph (5)—

(A) by striking “scientist”; and

(B) by striking “and” and inserting “and”;

(6) in paragraph (6), by striking “into Federal” and “all that follows and inserting “technical professionals, and tradespeople into Federal career positions”;

(7) in paragraph (7)—

(A) by striking paragraphs (2) through (4) and inserting paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(B) by inserting after paragraph (1) the following:

(8) whether there is a shortage in the number of individuals with technical or
trade-based skillsets or credentials suited to a career in oceanic and atmospheric data collection, processing, satellite production, or satellite operations;' and

(9) by inserting after that the following:

"(8) workforce diversity and actions the Federal Government can take to increase diversity in the scientific workforce; and"

(8) by inserting after that the following:

"the Federal Government can take to shorten the hiring backlog for such workforce.'"

(b) COORDINATION.—Section 303(b) of such Act (33 U.S.C. 883c(b)) is amended by striking "Secretary of Commerce' and inserting "Secretary of Commerce for Oceans and Atmosphere'; and

(c) PROGRAM.—Section 303(c) of such Act (33 U.S.C. 883c(c)) is amended—

(1) by striking "the date of enactment of this Act" and inserting "the date of enactment of this Act and the Administrator, in consultation with the heads of other relevant Federal agencies, shall publish a report that—"

(2) such efforts would enhance existing and effective ocean, coastal, and Great Lakes management efforts of States and Indian Tribes based on shared regional priorities and

(3) Regional Ocean Partnerships should coordinate with Indian Tribes.

(e) REPORT.—It is the sense of Congress that—

(1) the United States should seek to support interagency coordinated regional priorities relating to the management, conservation, resilience, and restoration of ocean, coastal, and Great Lakes areas to authorize collaborative regional efforts by Regional Ocean Partnerships, in coordination with Federal and State agencies, Indian Tribes, and local authorities;

(2) such efforts would enhance existing and effective ocean, coastal, and Great Lakes management efforts of States and Indian Tribes based on shared regional priorities; and

(3) Regional Ocean Partnerships should coordinate with Indian Tribes.

(f) PURPOSES.—The purposes of this title are as follows:

(1) To complement and expand cooperative voluntary efforts interagency and interagency utilization of existing Federal authorities, thereby creating a significant need for interstate coordination to enhance regional priorities, including the ecological and economic health of those areas.

(2) To authorize Regional Ocean Partnerships as intergovernmental coordinators for regional priorities among States and Indian Tribes relating to the collaborative management of the large marine ecosystems, thereby reducing duplication of efforts and maximizing opportunities to leverage support in the ocean and coastal regions.

(3) To empower States to take a lead role in managing oceans, coastal, and Great Lakes areas.

(4) To authorize Regional Ocean Partnerships to coordinate with other Federal agencies to achieve improved water quality and improvements in the productivity of living resources in oceans, coastal, and Great Lakes ecosystems.

(5) To authorize Regional Ocean Partnerships to coordinate with other Federal agencies to achieve improved water quality and improvements in the productivity of living resources in oceans, coastal, and Great Lakes ecosystems.

(6) To incorporate rights of Indian Tribes in the management of oceans, coastal, and Great Lakes areas and provide resources to support Indian Tribe participation in and engagement with Regional Ocean Partnerships.

(7) To enable Regional Ocean Partnerships, on the protected fiscal management entities of such partnerships, to receive Federal funding to conduct the scientific research, conservation and restoration activities, and priority projects on short terms necessary to achieve the purposes described in paragraphs (1) through (6).
SEC. 5303. REGIONAL OCEAN PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

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

(3) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given that term in section 3 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) REGIONAL OCEAN PARTNERSHIP.—The term “Regional Ocean Partnership” means a Regional Ocean Partnership, a Regional Coastal Partnership, or a Regional Great Lakes Partnership.

(b) REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A coastal state may participate in a Regional Ocean Partnership with one or more:

(A) coastal states that share a common ocean or coastal area with the coastal state, without regard to whether the coastal states are contiguous; and

(B) States—

(i) with which the coastal state shares a common watershed; or

(ii) that contribute to the priorities of the partnership.

(2) GREAT LAKES.—A partnership consisting of one or more coastal states bordering one or more Great Lakes may be known as a “Regional Coastal Partnership” or a “Regional Great Lakes Partnership”.

(3) APPLICATION.—The Governor of a coastal state for governors of a group of coastal states may apply to the Secretary of Commerce, on behalf of a partnership, for the partnership to receive designation as a Regional Ocean Partnership if the partnership—

(A) meets the requirements under paragraph (2); and

(B) submits an application for such designation in such manner, in such form, and containing such information as the Secretary may require.

(4) REQUIREMENTS.—A partnership is eligible for designation as a Regional Ocean Partnership by the Secretary under paragraph (3) if the partnership—

(A) is established to coordinate the management of ocean, coastal, and Great Lakes resources among State governments and Indian Tribes;

(B) focuses on the environmental issues affecting the ocean, coastal, and Great Lakes areas of the members participating in the partnership;

(C) complements existing coastal and ocean management efforts of States and Indian Tribes on an interstate scale, focusing on shared priorities; and

(D) does not have a regulatory function; and

(E) is not duplicative of an existing Regional Ocean Partnership designated under paragraph (5), as determined by the Secretary.

(5) DESIGNATION OF CERTAIN ENTITIES AS REGIONAL OCEAN PARTNERSHIPS.—Notwithstanding paragraph (3) or (4), the following entities are designated as Regional Ocean Partnerships:

(A) The Gulf of Mexico Alliance, comprised of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(B) The Northeast Regional Ocean Council, comprised of the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

(C) The Mid-Atlantic Regional Council on the Ocean, comprised of the States of New York, New Jersey, Delaware, Maryland, and Virginia.

(D) The West Coast Ocean Alliance, comprised of the States of California, Oregon, and Washington and the coastal Indian Tribes therein.

(e) GOVERNING BODIES OF REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall have a governing body.

(2) MEMBERSHIP.—A governing body described in paragraph (1) shall—

(A) consist of the following:

(i) the governing body of the partnership designated under subsection (b); and

(ii) any additional participants designated by the governing body of the Regional Ocean Partnership designated under subsection (b), at the governing body’s discretion;

(B) have at least 10 voting members, including representatives of a variety of public, private, and non-profit entities, and Indian Tribes; and

(C) consist of the governing body of the Regional Ocean Partnership designated under subsection (b), in addition to any other participants designated by the governing body of the Regional Ocean Partnership designated under subsection (b).

(3) FUNCTIONS.—A Regional Ocean Partnership designated under subsection (b) may perform the following functions:

(A) Coordinate and implement priority actions of the agencies of coastal states participating in the partnership with the actions of the appropriate officials of Federal agencies, State governments, and Indian Tribes in developing strategies to—

(i) conserve living resources, increase valuable habitats, enhance coastal resilience and ocean management, promote ecological and economic health, and address other issues related to the shared ocean, coastal, or Great Lakes areas as determined to be of shared regional priority by those states; and

(B) manage regional data portals and develop associated data products for purposes that support the priorities of the partnership.

(4) IN GENERAL.—In cooperation with appropriate Federal and State agencies, Indian Tribes, and local authorities, develop and implement specific actions plans to carry out coordination goals.

(5) Coordinate and implement priority plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the goals of the partnership through the provision of grants and contracts under subsection (f).

(6) Engage, coordinate, and collaborate with relevant governmental entities and stakeholders to address ocean and coastal related matters that require interagency or intergovernmental solutions.

(7) Implement outreach programs for public information, education, and participation to foster stewardship of the resources of the ocean, coastal, and Great Lakes areas, as relevant.

(8) Develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to cross-jurisdictional issues being addressed through the coordinated activities of the partnership.

(9) Serve as a liaison with, and provide information to, international counterparts, as appropriate on priority issues for the partnership.

(c) GOVERNING BODIES OF REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall—

(A) The Federal Government.

(B) Indian Tribes.

(C) Nongovernmental entities, including academic organizations, nonprofit organizations, and private sector entities.

(D) Other federalally mandated regional entities, including the Regional Fishery Management Councils, the regional associations of the National Marine Observation System, and relevant Marine Fisheries Commissions.

(d) GRANTS AND CONTRACTS.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in cooperation with the Regional Ocean Partnerships designated under subsection (b), shall submit to Congress a report on the partnerships.

(e) REPORT REQUIRED.—The report required by paragraph (1) shall include the following:

(A) An assessment of the overall status of the network of the Regional Ocean Partnerships designated under subsection (b).

(B) An assessment of the effectiveness of the partnerships in supporting regional priorities relating to the management of common ocean, coastal, and Great Lakes areas.

(C) An assessment of the effectiveness of the strategies that the partnerships are supporting, and recommendations as to how the priority needs of the regions covered by the partnerships are being met through such strategies.

(D) An assessment of how the efforts of the partnerships support or enhance Federal and State efforts consistent with the purposes of this title.

(2) Such recommendations as the Administrator may have for improving—

(i) efforts of the partnerships to support the purposes of this title; and

(ii) collective strategies that support the purposes of this title in coordination with all relevant Federal and State entities and Indian Tribes.

(f) DISTRIBUTION OF FUNDS FROM EACH PARTNERSHIP FOR EACH FISCAL YEAR.—

(1) IN GENERAL.—Nothing in paragraph (1)(B) may be construed as affecting any requirement to consult with Indian Tribes under Executive Order 13175 (28 U.S.C. 5304 note; relating to “Indian tribes and coordination with Indian tribal governments) or any other applicable law or policy.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(B) may be construed as affecting any requirement to consult with Indian Tribes under Executive Order 13175 (28 U.S.C. 5304 note; relating to “Indian tribes and coordination with Indian tribal governments) or any other applicable law or policy.

(g) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) may, in coordination with existing Federal and State management programs, from amounts made available to the partnership by the Administrator or the head of another Federal agency, provide grants and enter into contracts for the purposes described in paragraph (2).

(2) PURPOSES.—The purposes described in this paragraph include any of the following:

(A) Monitoring the water quality and living resources of multi-State ocean and coastal ecosystems and coastal communities.

(B) Researching and addressing the effects of natural and human-induced environmental changes on—

(i) ocean and coastal ecosystems; and

(ii) coastal communities.

(C) Developing and executing cooperative strategies that—

(i) address regional data issues identified by the partnership; and

(ii) will result in more effective management of common ocean and coastal areas.

(h) REPORT REQUIRED.—The report required by paragraph (1) shall include the following:

(A) An assessment of the overall status of the network of the Regional Ocean Partnerships designated under subsection (b).

(B) An assessment of the effectiveness of the partnerships in supporting regional priorities relating to the management of common ocean, coastal, and Great Lakes areas.

(C) An assessment of the effectiveness of the strategies that the partnerships are supporting, and recommendations as to how the priority needs of the regions covered by the partnerships are being met through such strategies.

(D) An assessment of how the efforts of the partnerships support or enhance Federal and State efforts consistent with the purposes of this title.

(E) Such recommendations as the Administrator may have for improving—

(i) efforts of the partnerships to support the purposes of this title; and

(ii) collective strategies that support the purposes of this title in coordination with all relevant Federal and State entities and Indian Tribes.

(h) DISTRIBUTION OF FUNDS FROM EACH PARTNERSHIP FOR EACH FISCAL YEAR.—

(1) IN GENERAL.—In addition to amounts made available to the Regional Ocean Partnerships designated under subsection (b) by the Administrator under this section, the head of any other Federal agency may provide grants to, enter into contracts with, or otherwise provide funding to such partnerships.

(i) AUTHORITY.—Nothing in this section extends any new legal authority, including the authority of the National Oceanic and Atmospheric Administration or of the Regional Ocean Partnerships designated under subsection (b), to—

(1) the authority of the Administrator to provide amounts to the partnerships; and
SEC. 5404. NATIONAL OCEAN POLICY COMMITTEE.

(a) SUBCOMMITTEES.—Section 8932(c) of title 10, United States Code, is amended to read as follows:

"(c) SUBCOMMITTEES.—(1) The Committee shall include—

(A) a subcommittee to be known as the ‘Ocean Sciences and Technology Subcommittee’; and

(B) a subcommittee to be known as the ‘Ocean Resource Management Subcommittee’.

(2) In discharging its responsibilities in support of agreed-upon scientific needs, and to assist in the responsibilities described in subsection (b), the Committee may delegate responsibilities to the Ocean Science and Technology Subcommittee, the Ocean Resource Management Subcommittee, or another subcommittee of the Committee, as the Committee determines appropriate:—

(a) In the case of access to geospatial data for more efficient and informed decision making.

(b) In establish a new interagency working group to be known as the ‘Interagency Working Group on Ocean Exploration and Characterization’.

(c) The President shall establish a new interagency working group to be known as the ‘Interagency Working Group on Ocean Exploration and Characterization’. The President shall designate the lead agency on a project.

(2) In establishing the Ocean Sciences and Technology Subcommittee, the Ocean Resource Management Subcommittee, or another subcommittee of the Committee, the Committee shall determine the appropriate:

(a) A publicly accessible, centralized digital archive of documents described in paragraph (1) that are finalized after the date of the enactment of this Act; and

(b) elements of document system.—The systems established or designated under subsection (b)(5) may include the following:

(1) A publicly accessible, centralized digital archive of documents described in subsection (b)(5) that are finalized after the date of the enactment of the National Ocean Exploration Act, including—

(A) Environmental impact statements;

(B) Environmental assessments;

(C) Records of decision; and

(D) Other relevant documents as determined by the lead agency on a project.

(2) Geospatial data.—If any, contained in the documents under paragraph (1).

(3) A mechanism to retrieve information through geo-information tools that can map and interpret relevant geospatial information, such as—

(A) Ocean report tools;

(B) the environmental studies program information system;

(C) Regional Ocean Partnerships; and

(D) the Integrated Ocean Observing System.

SEC. 5405. NATIONAL OCEAN MAPPING, EXPLORATION, AND CHARACTERIZATION COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a council, to be known as the ‘National Ocean Mapping, Exploration, and Characterization Council’ (in this section referred to as the ‘Council’).

(b) PURPOSE.—The Council shall—

(1) update national priorities for ocean mapping, exploration, and characterization; and

(2) coordinate and facilitate activities to advance those priorities.

(c) REPORTING.—The Council shall report to the Ocean Science and Technology Subcouncil of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on the activities of the Council.

(d) MEMBERSHIP.—The Council shall be composed of senior-level representatives from the appropriate Federal agencies.

(e) CO-CHAIRS.—The Council shall be co-chaired by—

(1) two senior-level representatives from the National Oceanic and Atmospheric Administration; and

(2) one senior-level representative from the Department of the Interior.

(f) DUTIES.—The Council shall—

(1) set national ocean mapping, exploration, and characterization priorities and strategies;

(2) coordinate and facilitate transparent and sustained partnerships among Federal and non-Federal agencies, Indian Tribes, private industry, academia, and nongovernmental organizations to conduct ocean mapping, exploration, and characterization activities and related technology development;

(3) coordinate improved processes for data compilation, management, access, synthesis, and visualizations with respect to ocean mapping, exploration, and characterization, with a focus on building on existing ocean data management systems and with appropriate safeguards on the public accessibility of data to protect national security equities, as appropriate;

(4) encourage education, workforce training, and public engagement activities that—

(A) promote partnerships among Federal, non-Federal, and private entities that contribute to ocean mapping, exploration, research, and characterization;

(B) improve public engagement with and understanding of ocean science; and

(C) provide opportunities for underserved populations;

(5) coordinate activities as appropriate with domestic and international ocean mapping, exploration, and characterization initiatives or programs; and

(6) establish and monitor metrics to track progress in achieving the priorities set under paragraph (1).

(g) INTERAGENCY WORKING GROUP ON OCEAN EXPLORATION AND CHARACTERIZATION.—

(1) ESTABLISHMENT.—The President shall establish a new interagency working group to be known as the ‘Interagency Working Group on Ocean Exploration and Characterization’.

(2) MEMBERSHIP.—The Interagency Working Group on Ocean Exploration and Characterization shall be composed of senior representatives from Federal agencies with ocean exploration and characterization responsibilities.

(3) FUNCTIONS.—The Interagency Working Group on Ocean Exploration and Characterization shall support the Council and the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean exploration and characterization activities and associated technology development with the Federal Government, State governments, Indian Tribes, private industry, nongovernmental organizations, and academia.

(h) OVERSIGHT.—The Council shall oversee—

(1) the Interagency Working Group on Ocean Exploration and Characterization established under subsection (g)(1); and


(i) PLAN.—The Council shall develop a new interagency working group to be known as the ‘Interagency Working Group on Ocean Exploration and Characterization’.

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Council shall develop or update and submit to the appropriate committees of Congress a
plan for an integrated cross-sectoral ocean mapping, exploration, and characterization initiative.

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) discuss the utility and benefits of ocean exploration and characterization;

(B) identify and describe national ocean mapping, exploration, and characterization priorities;

(C) identify and describe Federal and federally funded ocean mapping, exploration, and characterization activities;

(D) facilitate and incorporate non-Federal input into national ocean mapping, exploration, and characterization priorities;

(E) coordinate ocean mapping, exploration, and characterization activities among programs described in subparagraphs (G) through (J) of subsection (b); and

(F) identify opportunities for combining overlapping or complementary needs, activities, and resources of Federal agencies and non-Federal organizations relating to ocean mapping, exploration, and characterization while not reducing benefits from existing mapping, exploration, and characterization activities;

(G) promote new and existing partnerships among Federal and State agencies, Indian Tribes, private industry, academia, and non-governmental organizations to conduct or support ocean mapping, exploration, and characterization activities and necessary technology development needs, including through coordination under section 3 of the Commercial Engagement Through Ocean Technology Act of 2018 (33 U.S.C. 1192) and the National Oceanographic Partnership Program under section 8931 of title 10, United States Code;

(H) develop a transparent and sustained mechanism for non-Federal partnerships and stakeholder engagement in strategic planning and mission execution to be implemented no later than December 31, 2023;

(I) establish standardized collection and data management protocols, such as with respect to metadata, for ocean mapping, exploration, and characterization with appropriate safeguards on the public accessibility of data to protect national security equities; (J) encourage the development, testing, and adoption of innovative ocean mapping, exploration, and characterization technologies and applications;

(K) promote protocols for accepting data, equipment, or other resources that support national ocean mapping, exploration, and characterization priorities;

(L) identify best practices for the protection of personal information during mapping, exploration, and characterization activities;

(M) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration and other Federal agencies to support a coordinated national ocean mapping, exploration, and characterization effort.

(3) BRIEFINGS.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Council shall brief the appropriate committees of Congress on—

(1) progress made toward meeting the national priorities described in subsection (i)(2)(B); and

(2) recommendations for meeting such priorities, such as additional authorities that may be needed to develop a mechanism for non-Federal partnerships and stakeholder engagement, protocols for accepting data, and coordination of data collection, compilation, processing, archiving, and dissemination for data relating to ocean exploration and characterization.

(2) DONATIONS.—Section 12003(b) of such Act (33 U.S.C. 3403(b)) is amended to read as follows:

(a) IN GENERAL.—The plan required by paragraph (1) of such Act is further amended by inserting at the end the following:

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(2) C LERICAL AMENDMENT .—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (33 U.S.C. 3403(b)) is amended by striking ``(2) workforce training, reskilling, and opportunities to encourage development of ocean related science, technology, engineering, and mathematics (STEM) technical training programs involving secondary schools, community colleges, and universities, including Historically Black Colleges or Universities (within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1067)), Tribal Colleges or Universities (as defined in section 316(b) of such Act (20 U.S.C. 1067c(b)), and other minority-serving institutions (as described in section 371(a) of such Act (20 U.S.C. 1067(a)))’’.
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(b) REPEAL OF OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE PROGRAM.—Section 12004 of such Act (33 U.S.C. 3404) is repealed.

(c) EDUCATION, WORKFORCE TRAINING, AND OUTREACH.—

(I) IN GENERAL.—Such Act is further amended by inserting after section 12003 the following new section 12004:

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SEC. 12004. EDUCATION, WORKFORCE TRAINING, AND OUTREACH.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct education and outreach efforts in order to broadly disseminate information to the public on the discoveries made by the program under section 12002; and

(2) to the extent possible, coordinate the efforts described in paragraph (1) with the outreach strategies of other domestic or international ocean mapping, exploration, and characterization programs.
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(d) O UTCOMES FROM OCEAN EXPLORATION.—The provisions of section 12005 of such Act (33 U.S.C. 3405) are amended by adding at the end the following:

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(5) C LERICAL AMENDMENT .—The table of contents for such Act is amended by striking the provisions of section 12005.5 and inserting the provisions of section 1273.5.
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(e)ן O UTCOMES FROM OCEAN EXPLORATION.—The provisions of section 12005 of such Act (33 U.S.C. 3405) are amended by striking the provisions of section 12005.5 and inserting the provisions of section 1273.5.

(f) O UTCOMES FROM OCEAN EXPLORATION.—The provisions of section 12005 of such Act (33 U.S.C. 3405) are amended by striking the provisions of section 12005.5 and inserting the provisions of section 1273.5.

(g) O UTCOMES FROM OCEAN EXPLORATION.—The provisions of section 12005 of such Act (33 U.S.C. 3405) are amended by striking the provisions of section 12005.5 and inserting the provisions of section 1273.5.

(h) O UTCOMES FROM OCEAN EXPLORATION.—The provisions of section 12005 of such Act (33 U.S.C. 3405) are amended by striking the provisions of section 12005.5 and inserting the provisions of section 1273.5.

(i) O UTCOMES FROM OCEAN EXPLORATION.—The provisions of section 12005 of such Act (33 U.S.C. 3405) are amended by striking the provisions of section 12005.5 and inserting the provisions of section 1273.5.
striking the item relating to section 12004 and inserting the following:

"Sec. 12004. Education, workforce training, and outreach.

1) Technical Amendment.—Section 12005(a)(1) of such Act (33 U.S.C. 3505(a)(1)) is amended by inserting "the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act" after "advise the Administrator".

2) Technical Amendment.—Section 12005(c) of such Act (33 U.S.C. 3505(c)) is amended by inserting "this" before "part".

3) Authorization of Appropriations.—Section 12006 of such Act (33 U.S.C. 3506) is amended by striking "this part" and all that follows and inserting "this part $60,000,000 for each of fiscal years 2023 through 2028".

4) Definitions.—Such Act is further amended by inserting after section 12006 the following:

"SEC. 12007. DEFINITIONS.

"In this part:

"(1) CHARACTERIZATION.—The terms 'characterization', 'characterize', and 'characterizing' refer to activities that provide comprehensive interpretations for a specific area of interest of the seafloor, sub-bottom, water column, or hydrologic features, such as water masses and currents, in direct support of specific research, environmental protection, resource management, policymaking, or applied mission objectives.

"(2) EXPLORATION.—The term 'exploration', 'exploring', and 'explored' refer to activities that provide—

"(A) a multidisciplinary view of an unknown or poorly understood area of the seafloor, sub-bottom, or water column;

"(B) an initial assessment of the physical, chemical, geological, biological, archaeological, or other characteristics of such an area.

"(3) MAPPING.—The terms 'map' and 'mapping' refer to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, bottom type, sediment composition and distribution, underlying geologic structure, and benthic flora and fauna.

"(i) Clerical Amendment.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11) is amended by inserting after the item relating to section 12006 the following:

"Sec. 12007. Definitions.

SEC. 5407. REPEAL.

(a) In General.—The NOAA Undersea Research Program Act of 2009 (part II of sub-title A of title XII of Public Law 111-11; 33 U.S.C. 3421 et seq.) is repealed.

(b) Clerical Amendment.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 981) is amended by striking relating to part II of sub-title A of title XII of such Act.

SEC. 5408. MODIFICATIONS TO OCEAN AND COASTAL MAPPING PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) Establishment of Program.—

1) In General.—Section 12202(a) of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501(a)) is amended—

(A) by striking "establish a program to develop a coordinated international initiative to establish and maintain a program to coordinate";

(B) by striking "plan" and inserting "efforts";

(C) by striking "that enhances" and all that follows and inserting "that—

"(1) enhances ecosystem approaches in decision-making for natural resource and habitat management conservation and emergency response, and coastal resilience and adaptive management needs;''

"(2) establishes research and mapping priorities;

"(3) supports the siting of research and other platforms; and

"(4) advances ocean and coastal science.''

(b) Membership.—Section 12202 of such Act (33 U.S.C. 3501) is amended by striking subsection (a) and redesignating subsection (c) as subsection (b).

(c) Program Parameters.—Subsection (b) of section 12202 of such Act (33 U.S.C. 3501), as redesignated by paragraph (2), is amended—

(A) in the matter preceding paragraph (1), by striking "developing" and inserting "maintaining";

(B) in paragraph (2), by inserting "and for leveraging existing Federal geospatial services capacities and vehicle efficiencies after "coastal mapping";

(C) in paragraph (7), by striking "with coastal state and local government programs and mapping programs, in conjunction with Federal and State agencies, Tribal governments, private industry, academia, and nongovernmental organizations";

(D) in paragraph (8), by striking "of real-time tide data and the development" and inserting "of tide data and water-level data and the development and dissemination";

(E) in paragraph (9), by striking "; and" and inserting a semicolon;

(F) in paragraph (10), by striking the period at the end and inserting "; and";

(G) by adding at the end the following:

"(II) support—

"(A) the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code; and

"(B) the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act.

"(1) Interagency Working Group on Ocean and Coastal Mapping.—

"(I) Name Change.—The Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.) is amended—

"(A) in section 12202 (33 U.S.C. 3501)—

"(1) in subsection (a), by striking 'Interagency Ocean and Coastal Mapping' and inserting 'Interagency Working Group on Ocean and Coastal Mapping under section 12203'; and

"(2) in subsection (c), as redesignated by subsection (a)(2), by striking "committee" and inserting "Working Group";

"(B) in section 12203 (33 U.S.C. 3502)—

"(1) in the first sentence, by striking "committee" and inserting "Working Group";

"(III) in subsection (e), by striking "committee" and inserting "Working Group"; and

"(IV) in subsection (f), by striking "committee" and inserting "Working Group";

"(C) in section 12208 (33 U.S.C. 3507), by amending paragraph (3) to read as follows:

"(2) In General.—Section 12203(a) of such Act (33 U.S.C. 3502(a)) is amended by striking "within 30 days" and all that follows and inserting "not later than 30 days after the date of the enactment of the National Ocean Exploration Act, shall use the Interagency Working Group on Ocean and Coastal Mapping in existence as of the date of the enactment of such Act to implement section 12202.";

"(3) Membership.—Section 12203(b) of such Act (33 U.S.C. 3502(b)) is amended—

(A) in the first sentence, by striking "senior" both places it appears and inserting "senior-level";

(B) in the third sentence, by striking the "Minerals Management Service" and inserting "the Bureau of Ocean Energy Management of the Department of the Interior, the Corps of Engineers, the Fish and Wildlife and Parks of the Department of the Interior";

and

(C) by striking the second sentence.

"(4) Co-Chairs.—Section 12203(c) of such Act (33 U.S.C. 3502(c)) is amended to read as follows:

"(c) Co-Chairs.—The Working Group shall be co-chaired by one representative from each of the following:

"(1) The National Oceanic and Atmospheric Administration.

"(2) The Department of the Interior.

"(5) Subordinate Groups.—Section 12203(d) of such Act (33 U.S.C. 3502(d)) is amended to read as follows:

"(d) Subordinate Groups.—The co-chairs may establish permanent or temporary subordinate groups as determined appropriate by the Working Group.

"(6) Meetings.—Section 12203(e) of such Act (33 U.S.C. 3502(e)) is amended by striking "each submodule and each working group" and inserting "each subordinate group".

"(7) Coordination.—Section 12203(f) of such Act (33 U.S.C. 3502(f)) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) Other Federal efforts;

"(2) International mapping activities;

"(3) Coastal states;

"(4) Coastal Indian Tribes;

"(5) Data acquisition and user groups through workshops, partnerships, and other appropriate mechanisms; and

"(6) Representatives of nongovernmental entities.

"(8) Advisory Panel.—Section 12203 of such Act (33 U.S.C. 3502) is amended by striking subsection (e)

"(9) Functions.—Section 12203 of such Act (33 U.S.C. 3502), as amended by paragraph (8), is further amended by adding at the end the following:

"(9) Support Functions.—The Working Group shall support the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act and the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean mapping activities and associated technology development across the Federal Government, State governments, coastal Indian Tribes, private industry, nongovernmental organizations, and academia.

"(10) Clerical Amendment.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the item relating to section 12203 and inserting the following:

"Sec. 12203. Interagency working group on ocean and coastal mapping.

"(b) Biennial Reports.—Section 12204 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3503) is amended—

(A) in the matter preceding paragraph (1), by striking "No later" and all that follows and inserting "Not later than 18 months after the date of the enactment of the National Ocean
Exploration Act, and biennially thereafter until 2040, the co-chairs of the Working Group, in coordination with the National Ocean Mapping, Exploration, and Characterization Act, as redesignated by section 5409 of such Act, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives:—

(2) by inserting ‘‘in paragraph (3), including the data maintained by the National Centers for Environmental Information of the National Oceanic and Atmospheric Administration shall be used in the development of the plan described in paragraph (4) of section 12206, ‘fairly and equitably’ shall be defined to include the development of a plan for the coordinated ocean mapping of the coasts of the United States with respect to the Indian Tribes.’’;

(3) in paragraph (3), by inserting ‘‘including a plan to map the coasts of the United States on a requirements-based cycle, with mapping agencies and partners coordinating on a unified approach that factors in recent related studies, meets multiple user requirements, and identifies gaps’’ after ‘‘accomplished’’;

(4) by striking paragraph (10) and redesignating paragraphs (11), (12), and (13) as paragraphs (10), (11), and (12), respectively;

(5) in paragraph (10), as so redesignated, by striking ‘‘processing, and management’’ and inserting ‘‘international, coastal, state, and local government and nongovernmental mapping programs’’;

(6) in paragraph (11), as redesignated by paragraph (4)—

(A) by striking ‘‘increase’’ and inserting ‘‘streamline’’; and

(B) by inserting ‘‘for the purpose of fulfilling Federal mapping and charting responsibilities, plans, and strategies’’ after ‘‘entities’’;

(7) in paragraph (12), as redesignated by paragraph (4), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:—

‘‘(3) a description of best practices in data processing and distribution and leveraging opportunities among agencies represented on the Working Group, with coastal states, coastal Indian Tribes, and nongovernmental entities;’’;

‘‘(4) an identification of any training, technology, or other requirements for enabling Federal mapping programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program; and’’;

‘‘(5) an implementation and completion of the plan described in paragraph (3), including recommendations for integrating new approaches into the program.’’;

(d) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—

(1) CENTERS.—Section 12205(c) of such Act (33 U.S.C. 5306(c)) is amended—

(A) in the matter preceding paragraph (1), by striking ‘‘and inserting “NOAA Joint Ocean and Coastal Mapping Centers.”’’;

(B) by striking subsection (a), (b), and (d); and

(C) in subsection (c), by striking ‘‘NOAA Joint Ocean and Coastal Mapping Centers.—’’;

(2) CLERICAL AMENDMENT.—The table of contents of title II of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the item relating to section 12205 and inserting the following:

‘‘Sec. 12205. NOAA joint ocean and coastal mapping centers.’’;

(e) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—The ‘‘Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.)’’ is amended—

(1) by redesigning sections 12206, 12207, and 12208 and redesignating sections 12209, 12209, and 12210, respectively; and

(2) by inserting after section 12205 the following:

‘‘SEC. 12206. OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.

‘‘(a) IN GENERAL.—Not later than one year after the date of the enactment of the National Ocean Exploration Act, the Administrator shall develop an integrated ocean and coastal mapping Federal funding match opportunity, to be known as the ‘Indian Ocean Mapping Fund’ in memory of Rear Admiral Richard T. Brennan, within the National Oceanic and Atmospheric Administration with Federal, Tribal, non-profit, private industry, or academic partners in order to increase the coordinated acquisition, processing, stewardship, and archiving of new data and coastal mapping data in United States waters.

‘‘(b) RULES.—The Administrator shall develop administrative and procedural rules for the Ocean and Coastal Mapping Federal funding match opportunity developed under subsection (a), to include—

(1) specific and tailored criteria that must be addressed by an applicant, such as geographic overlap with pre-established priorities, number and type of project partners, benefit to the applicant, coordination with other funding opportunities, and benefit to the public;

(2) determination of the appropriate funding match amounts and mechanisms to use, such as grants, agreements, or contracts; and

(3) other funding award criteria as are necessary or appropriate to ensure that evaluation and selection of projects to award funding under this section are based on objective standards applied fairly and equivalently to those proposals.

‘‘(c) OCEANOGRAPHIC AND CONTRACT VEHICLES.—The ocean and coastal mapping Federal funding match opportunity developed under subsection (a) shall support Federal expertise and capacities for geospatial and Federal geospatial contract vehicles using the private sector for acquisition efficiencies.

‘‘SEC. 12207. REQUIREMENTS AND FINANCIAL ASSISTANCE.

‘‘(a) AGREEMENTS.—The head of a Federal agency that is represented on the Interagency Commission and Coastal Mapping may enter into agreements with any other agency that is so represented to provide, on a reimbursable or nonreimbursable basis, facilities, equipment, services, personnel, and other support services to carry out the purposes of this subtitle.

(b) FUNDING.

The Administrator may make financial assistance awards (grants of cooperative agreements) to any State or subdivision thereof or any public or private organization or individual to carry out the purposes of this subtitle.’’;

(f) AUTHORIZATION OF APPROPRIATIONS.—

Section 12209 of such Act, as redesignated by subsection (a), to include—

(1) in subsection (a), by striking ‘‘this subtitle’’ and all that follows and inserting ‘‘this subtitle $45,000,000 for each of fiscal years 2023 through 2028.’’;

(2) in subsection (b), by striking ‘‘this subtitle’’ and all that follows and inserting ‘‘this subtitle $20,000,000 for each of fiscal years 2023 through 2028.’’;

(3) by striking subsection (c); and

(4) by adding after subsection (b) the following:

‘‘(d) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—Of amounts appropriated pursuant to subsection (a), $20,000,000 is authorized to carry out section 12206.’’;

(g) DEFINITIONS.—

(1) OCEAN AND COASTAL MAPPING.—Paragraph (2) of section 12205, as redesignated by subsection (a)(1), is amended by striking ‘‘processing, and management’’ and inserting ‘‘processing, management, maintenance, interpretation, certification, and dissemination’’.

(2) COASTAL INDIAN TRIBE.—Section 12210 of such Act, as redesignated by subsection (a)(1), is amended by adding at the end the following:

‘‘(9) COASTAL INDIAN TRIBE.—The term ‘coastal Indian Tribe’ means an ‘Indian tribe’, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), the land of which is located in a coastal area.’’;

(h) Table of Contents.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the matter preceding section 12206 through 12208 and inserting the following:

‘‘Sec. 12206. Ocean and coastal mapping Federal funding opportunity.’’;

‘‘Sec. 12207. Cooperative agreements, contracts, and grants.

‘‘Sec. 12208. Effect on other laws.

‘‘Sec. 12209. Authorization of appropriations.

‘‘Sec. 12210. Definitions.’’; and

(S) by striking ‘‘andinserting a semicolon.’’.

SEC. 5409. MODIFICATIONS TO HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) DEFINITIONS.—Section 302(4)(A) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892(4)(A)) is amended by inserting ‘‘hydrodynamic forecast and datum transformation models’’ after ‘‘nautical information databases.’’;

(b) FUNCTIONS OF THE ADMINISTRATOR.—Section 306(b) of such Act (33 U.S.C. 892(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting ‘‘precision navigation,’’ after ‘‘promote’’; and

(2) in paragraph (2)—

(A) by inserting ‘‘and hydrodynamic forecast models’’ after ‘‘monitoring systems’’;

(B) by inserting ‘‘and provide foundational information and services required to support coastal resilience planning for coastal transport and other infrastructure, coastal protection and restoration projects, and related activities’’ after ‘‘efficiency’’; and

(C) by striking ‘‘and inserting a semicolon.’’;

(c) QUALITY ASSURANCE PROGRAM.—Section 304(a) of such Act (33 U.S.C. 892(a)) is amended by striking ‘‘product produced’’ and inserting ‘‘product or service produced or disseminated’’.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 306(a) of such Act (33 U.S.C. 892(a)) is amended—

(1) in paragraph (1), by striking ‘‘$70,814,000 for each of fiscal years 2019 through 2023’’ and inserting ‘‘$71,000,000 for each of fiscal years 2023 through 2028’’;

(2) in paragraph (2), by striking ‘‘$25,000,000 for each of fiscal years 2019 through 2023’’ and inserting ‘‘$34,000,000 for each of fiscal years 2023 through 2028’’;

(3) in paragraph (3), by striking ‘‘$29,032,000 for each of fiscal years 2019 through 2023’’;
and inserting "$38,000,000 for each of fiscal years 2023 through 2026";
(4) in paragraph (4), by striking "$26,800,000 for each of fiscal years 2019 through 2023 and inserting "$30,000,000 for each of fiscal years 2023 through 2026"; and
(5) in paragraph (5), by striking "$30,564,000 for each of fiscal years 2019 through 2023 and inserting "$35,000,000 for each of fiscal years 2023 through 2026".

TITLE LV—MARINE MAMMAL RESEARCH AND RESPONSE

SEC. 5501. SHORT TITLE.

This title may be cited as the “Marine Mammal Research and Response Act of 2022.

SEC. 5502. DATA COLLECTION AND DISSEMINATION

Section 402 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a) is amended—
(1) in subsection (b)—
(A) in paragraph (1)(A), by inserting “or entangled” after “stranded”;
(B) in paragraph (3)—
(i) by striking “stranding,” and inserting “strandings and entanglements, including unusual mortality events,”;
(ii) by inserting “stranding” before “region”;
and
(iii) by striking “marine mammals; and” and inserting “marine mammals and entangled marine mammals to allow comparison of the causes of illness and deaths in stranded and entangled marine mammals with physical, chemical, and biological environmental parameters;”;
and
(C) in paragraph (4), by striking “analyses, that will allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters;” and inserting “analyses—”;
(2) by striking subsection (c) and inserting the following:
"(c) INFORMATION REQUIRED TO BE SUBMITTED AND COLLECTED.—
"(1) IN GENERAL.—After each response to a stranding or entanglement event, the Secretary shall collect (including from any staff of the National Oceanic and Atmospheric Administration that respond directly to such an event), and shall require each stranding network participant to submit to the Administrator of the National Oceanic and Atmospheric Administration or the Director of the United States Fish and Wildlife Service—
"(A) data on the stranding event, including NOAA Form 89–875 (OMB No. 0648–0061), similar success forms, or similar information in an appropriate format required by the United States Fish and Wildlife Service for species under its management authority;
"(B) supplemental data to the data described in subparagraph (A), which may include, as available, relevant information about—
(i) weather and tide conditions;
(ii) offshore human, predator, or prey activity;
(iii) morphometrics;
(iv) behavior;
(v) health assessments;
(vi) life history samples; or
(vii) tissues and contents; and
"(C) data and results from laboratory analyses of tissues, which may include, as appropriate and available—
(i) histological analysis;
(ii) toxicology;
(iii) microbiology
(iv) virology;
and
(v) molecular sequence analysis.
"(2) TIMELINE.—A stranding network participant shall submit—
"(A) the data described in paragraph (1)(A) not later than 30 days after the date of a response to a stranding or entanglement event;
"(B) the compiled data described in paragraph (1)(B) not later than 30 days after the date on which the data is available to the stranding network participant; and
"(C) the compiled data described in paragraph (1)(C) not later than 30 days after the date on which the laboratory analysis has been reported to the stranding network participant.

SEC. 5503. STRANDING OR ENTANGLEMENT RESPONSE AGENDA

SEC. 5504. UNUSUAL MORTALITY EVENT ACTIVITY FUNDING

"(d) MANAGEMENT POLICY.—In collaboration with the regional stranding networks, the Secretary shall develop, and periodically update, a data management and public outreach policy for stranding or entanglement events.

"(g) SAVINGS CLAUSE.—The Secretary shall not require submission of research data that is not described in subsection (c)."

SEC. 5503. STRANDING OR ENTANGLEMENT RESPONSE AGENDA

(a) IN GENERAL.—Section 403 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421d) is amended—
(1) in the section heading by inserting “OR ENTANGLEMENT”; and
(2) in subsection (a), by striking the period at the end and inserting “or” and;

(b) USES.—Amounts in the Fund—
"(1) shall be available only for use by the Secretary, in consultation with the Secretary under subsection (c), for the following:
"(A) to improve real-time coordination of stranding and entanglement events across geographic areas and between stranding coordinators;
"(B) to identify and quickly disseminate information on potential public health risks;
"(C) to facilitate integrated interdisciplinary research;
"(D) to facilitate peer-reviewed publications;
"(E) to archive regional data into a national database for future analyses; and
"(F) for education and outreach activities.

"(2) The Secretary shall ensure that any data or metadata collected under subsection (c)—
"(A) by staff of the National Oceanic and Atmospheric Administration or the United States Fish and Wildlife Service that responded directly to a stranding or entanglement event is available to the public through the Health MAP and the Observation System not later than 30 days after that data or metadata is collected, by available to, or reported to the Secretary; and
"(B) by a stranding network participant that responded directly to a stranding or entanglement event is made available to the public through the Health MAP and the Observation System not later than 30 days after the data is submitted to the Secretary under subsection (c).

"(3) EXCEPTIONS.—
"(A) IN GENERAL.—The Secretary shall—
"(B) by a stranding network participant that responded directly to a stranding or entanglement event is made available to the public through the Health MAP and the Observation System not later than 30 days after the data is submitted to the Secretary under subsection (c).

"(4) not more than $250,000 per year, as determined by the Secretary of Commerce, from sums collected as fines, penalties, or forfeitures of property by the Secretary of Commerce for violations of any provision of this Act; and
“(5) sums received from emergency declaration grants for marine mammal conservation.”

SEC. 5505. LIABILITY.

Section 406(e) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f-1) is amended—

(1) by inserting “or entanglement” after “to a stranding” and;

(2) by striking “government” and inserting “Government”.

SEC. 5506. NATIONAL MARINE MAMMAL TISSUE BIOME AND TISSUE ANALYSIS.

Section 407 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f-1) is amended—

(1) in subsection (c)(2)(A), by striking “the health” and inserting “marine mammal health and mortality”;

(2) in subsection (d), in the matter preceding paragraph (1), by inserting “public”, before “access”. 

SEC. 5507. MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND.

(a) IN GENERAL.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f-1) is amended—

(1) in the heading, by striking “Marine mammal rescue and response” and inserting “Marine mammal rescue and response grant program and rapid response fund”;

(2) by striking subsections (a) through (d) and subsections (f) through (h); and

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting before subsection (f), as designated by paragraph (2), the following:

“(a) DEFINITIONS.—In this section:

“(A) IN GENERAL.—The term ‘emergency assistance’ means—

“(i) financial assistance provided to respond to, or that results from, a stranding event or entanglement event that—

“(A) carries an in particular the cost of a response, recovery, or rehabilitation that is greater than the usual cost of a response, recovery, or rehabilitation;

“(II) is cyclical or endemic; or

“(III) involves a marine mammal that is out of the normal range for that marine mammal;

“(ii) financial assistance provided to respond to, or that results from, a stranding event or entanglement event that—

“(A) the applicable Secretary considers to be an emergency; or

“(B) with the concurrence of the applicable Secretary, a State, territorial, or Tribal government considers to be an emergency.

“(b) EXCLUSIONS.—The term ‘emergency assistance’ does not include financial assistance to respond to an unusual mortality event.

“(1) in paragraph (a), (A).

“(3) STRANDING REGION.—The term ‘stranding region’ means a geographic region designated by the applicable Secretary for purposes of this section.

“(b) John H. Prescott Marine Mammal Rescue and Response Grant Program.—

“(1) IN GENERAL.—Subject to the availability of funds or other funding, the applicable Secretary shall carry out a grant program, to be known as the ‘John H. Prescott Marine Mammal Rescue and Response Grant Program’ (referred to in this section as the ‘grant program’), to award grants to eligible stranding network participants or stranding network collaborators, as described in subsection (2). 

“(2) PURPOSES.—The purposes of the grant program are to provide for—

“(A) the recovery, care, or treatment of sick, injured, or entangled marine mammals;

“(B) responses to marine mammal stranding events that require emergency assistance;

“(C) the collection of data and samples from living or dead stranded marine mammals for scientific research or assessments regarding marine mammal health;

“(D) facility operating costs that are directly related to activities described in subparagraph (A), (B), or (C); and

“(E) development of stranding network capacity, including training for emergency response, where facilities do not exist or are sparse.

“(3) CONTRACT, GRANT, AND COOPERATIVE AGREEMENT AUTHORITY.

“(A) IN GENERAL.—The applicable Secretary may enter into a contract, grant, or cooperative agreement with any eligible stranding network participant or stranding network collaborator, as the Secretary determines to be appropriate, for the purposes described in paragraph (2).

“(B) EMERGENCY AWARD FLEXIBILITY.—Following a request for emergency award flexibility, analysis of the merits of and necessity for such a request, the applicable Secretary may—

“(i) amend any contract, grant, or cooperative agreement entered into under this paragraph, including provisions concerning the period of performance; or

“(ii) waive the requirements under subsection (f) for grant applications submitted during the provision of emergency assistance.

“(4) EQUITABLE DISTRIBUTION OF FUNDS.

“(A) IN GENERAL.—The applicable Secretary shall ensure, to the extent practicable, that funds awarded under the grant program are distributed equitably among the stranding regions.

“(B) CONSIDERATIONS.—In determining priorities among the stranding regions under this paragraph, the Secretary may consider—

“(i) equitable distribution within the stranding regions, including the sub-regions (including, but not limited to, the Gulf of Mexico):

“(A) any episodic stranding, entanglement, or mortality events, except for unusual mortality events, that occurred in any stranding region in the preceding year;

“(ii) any data with respect to average annual stranding, entanglement, and mortality events per stranding region;

“(iv) the size of the marine mammal populations inhabiting a stranding region;

“(v) the importance of the region’s marine mammal populations to the well-being of indigenous communities; and

“(vi) the conservation of protected, depleted, threatened, or endangered marine mammal species.

“(C) STRANDINGS.—For the purposes of this program, priority is to be given to applications focusing on marine mammal strandings.

“(D) APPLICATION.—To be eligible for a grant under the grant program, a stranding network participant shall—

“(A) submit an application in such form and manner as the applicable Secretary prescribes; and

“(B) be in compliance with the data reporting requirements under section 402(d) and any applicable reporting requirements of the United States Fish and Wildlife Service for an individual or organization, if any.

“(E) GRANT CRITERIA.—The applicable Secretary shall, in consultation with the Marine Mammal Commission, a representative from each of the stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science with respect to stranded marine mammals under that Department’s jurisdiction, develop criteria for awarding grants under their respective grant programs.

“(F) LIMITATIONS.

“(A) MAXIMUM GRANT AMOUNT.—No grant made under the grant program for a single award may exceed $150,000 in any 12-month period.

“(B) UNEXPENDED FUNDS.—Any funds that have been awarded under the grant program but that are unexpended at the end of the 12-month period described in subparagraph (A) shall remain available until expended.

“(G) ADMINISTRATIVE COSTS AND EXPENSES.—The Secretary’s administrative costs and expenses related to reviewing and awarding grants under the grant program, in any fiscal year may not exceed the greater of—

“(A) 6 percent of the amounts made available each fiscal year to carry out the grant program; or

“(B) $80,000.

“(H) TRANSPARENCY.—The applicable Secretary shall make publicly available a list of grant proposals, the selected funded grants, and requests for grant flexibility under this subsection.

“(I) JOSEPH R. GERACI MARINE MAMMAL RESCUE AND RAPID RESPONSE FUND.

“(1) IN GENERAL.—There is established in the Treasury of the United States an interagency fund, to be known as the ‘Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund’ (referred to in this section as the Rapid Response Fund).

“(2) USE OF FUNDS.—Amounts in the Rapid Response Fund shall be available only for use by the Secretary to provide emergency assistance.

“(3) AUTHORIZATION OF APROPRIATIONS.—

“(a) IN GENERAL.—

“(A) AUTHORIZATION OF APROPRIATIONS.—There is authorized to be appropriated to carry out the grant program $7,000,000 for each of fiscal years 2023 through 2028, to remain available until expended, of which for each fiscal year—

“(i) $6,000,000 shall be made available to the Secretary of Commerce; and

“(ii) $1,000,000 shall be made available to the Secretary of the Interior.

“(b) DERIVATION OF FUNDS.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated pursuant to subparagraph (A) that are enacted after the date of enactment of the Marine Mammal Research and Response Act of 2022.

“(c) JOSEPH R. GERACI MARINE MAMMAL RESCUE AND RAPID RESPONSE FUND.—There is authorized to be appropriated to the Rapid Response Fund $500,000 for each of fiscal years 2023 through 2028.

“(d) ACCEPTANCE OF DONATIONS.—For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.

“(e) GENERAL ExPENSES.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f-1), as amended by subsection (a), is further amended in subsection (f), as designated by subsection (a)(3)—

“(1) in paragraph (1)—

“(A) by striking “the costs of an activity conducted with a grant under this section shall not exceed the grant award amount specified in such project” and inserting “such project”; and

“(B) by striking “such costs” and inserting “such project”; and

“(2) in paragraph (2)—
(A) by striking "an activity" and inserting "a project"; and
(B) by striking "the activity" and inserting "the project"
(c) TITLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as amended by section 5007(b)) is amended by striking the item related to section 408 and inserting the following:

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Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.
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SEC. 5508. HEALTH MAP.

(a) In General.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1556 et seq.) is amended by striking after section 408 the following:

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SEC. 408A. MARINE MAMMAL HEALTH MONITORING AND ANALYSIS PLATFORM (HEALTH MAP).

''(a) In General.—Not later than 1 year after the date of enactment of the Marine Mammal Research and Response Act of 2022, the Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall—
''(1) establish a marine mammal health monitoring and analysis platform (referred to in this Act as the 'Health MAP');
''(2) incorporate the Health MAP into the Observation System; and
''(3) make the Health MAP—
''(A) publicly accessible through the web portal of the Observation System; and
''(B) interoperable with other national data systems or other data systems for management or research purposes, as practicable;
''(b) Purposes.—The purposes of the Health MAP are—
''(1) to promote—
''(A) interdisciplinary research among individuals with knowledge and experience in marine mammal science, marine mammal veterinary and husbandry practices, medical science, and oceanography, and with other marine scientists;
''(B) timely and sustained dissemination and analysis of marine mammal health, stranding, entanglement, and mortality data;
''(C) identification of spatial and temporal patterns of marine mammal mortality, disease, and stranding;
''(D) evaluation of marine mammal health in terms of mortality, as well as sublethal marine mammal health impacts;
''(E) improved collaboration and forecasting of marine mammal and larger ecosystem health events;
''(F) rapid communication and dissemination of information regarding marine mammal strandings that may have implications for human health, such as those caused by harmful algal blooms; and
''(G) increased accessibility of data in a user friendly visual interface for public education and outreach; and
''(2) to construct a marine mammal health index that incorporates marine mammal health data.
''(c) Requirements.—The Health MAP shall—
''(1) integrate in situ, remote, and other marine mammal health, stranding, and mortality data, including visualizations and metadata by marine mammal stranding networks, Federal, State, local, and Tribal governments, private partners, and academia; and
''(2) be designed—
''(A) to enhance data and information availability, including data sharing among stranding network participants, scientists, and the public within and across stranding network regions;
''(B) to facilitate data and information access across scientific disciplines, scientists, and managers;
''(C) to facilitate public access to national and regional marine mammal health, stranding, entanglement, and mortality data, including visualizations and metadata, through the national and regional data portal of the Observation System; and
''(D) in collaboration with input from, States and stranding network participants.
''(d) Procedures and Guidelines.—The Secretary shall establish and implement policies, protocols, and standards for—
''(1) reporting marine mammal health data collected by stranding networks consistent with subsections (c) and (d) of section 402;
''(2) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;
''(3) disseminating and making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and consistent manner;
''(4) integrating additional marine mammal health, stranding, or other relevant data as the Secretary determines appropriate.
''(e) Consultation.—The Administrator of the National Oceanic and Atmospheric Administration shall maintain and update the Health MAP in consultation with the Secretary of the Interior and the Marine Mammal Commission.

''(1) Contributions.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.
''(b) Health Map Status Report.—
''(1) In General.—Not later than 5 years after the date on which the report required under subsection (a) is submitted, and every 10 years thereafter, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service, shall—
''(A) make publicly available a report on the data gap analysis described in paragraph (2); and
''(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.
''(2) Requirements.—The data gap analysis under paragraph (1) shall include—
''(A) an overview of existing participants within marine mammal stranding network;
''(B) an identification of coverage needs and participant gaps within a network;
''(C) an identification of data and reporting gaps from members of a network; and
''(D) an analysis of how stranding and health data are shared and made available to scientists, academics, state, local, and Tribal governments, and the public.

SEC. 5509. REPORTS TO CONGRESS.

(a) In General.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1556 et seq.) is amended by striking after section 5008 the following:

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SEC. 5008. REPORTS TO CONGRESS.

(a) Definition of Appropriate Committees of Congress—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Commerce, Science, and Transportation of the Senate;
''(2) the Committee on Environment and Public Works of the Senate;
''(3) the Committee on Natural Resources of the House of Representatives; and
''(4) the Committee on Science, Space, and Technology of the House of Representatives.

(b) Health Map Status Report.—

''(1) In General.—Not later than 2 years after the date of enactment of the Marine Mammal Research and Response Act of 2022, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission, the Secretary of the Interior, and the National Ocean Research Leadership Council, shall submit to the appropriate committees of Congress a report describing the status of the Health MAP;

''(2) Requirements.—The report under paragraph (1) shall include—

''(A) a detailed evaluation of the data made publicly available through the Health MAP;
''(B) a detailed list of any gaps in data collected pursuant to the Health MAP, a description of the reasons for those gaps, and recommended actions to close those gaps;
''(C) an analysis of the effectiveness of using the website of the Observation System as the platform to visualize, archive, and disseminate marine mammal stranding and health data;
''(D) a list of publications, presentations, or other relevant work resulting from, or produced in collaboration with, the Health MAP;
''(E) a description of emerging marine mammal health concerns and the applicability of those concerns to human health;
''(F) an analysis of the feasibility of the Observation System being used as an alert system during stranding events, entanglement events, and unusual mortality events for the stranding network, Observation System partners, Health MAP partners, Federal and State agencies, and local and Tribal governments;
''(G) an evaluation of the use of Health MAP data to predict broader ecosystem events and changes that may impact marine mammal or human health and specific examples of proven or potential uses of Observation System data (including data from the Health MAP); and
''(H) recommendations for the Health MAP with respect to—

''(i) filling any identified data gaps;
''(ii) improving data quality, accessibility, transparency, interoperability, and sharing;
''(iii) any other strategies that would contribute to the effectiveness and usefulness of the Health MAP; and
''(iv) the funding levels needed to maintain and improve the Health MAP.

(c) Data Gap Analysis.—

''(1) In General.—Not later than 5 years after the date on which the report required under subsection (a) is submitted, and every 10 years thereafter, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service, shall—

''(A) make publicly available a report on the data gap analysis described in paragraph (2); and
''(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

(2) Requirements.—The data gap analysis under paragraph (1) shall include—

''(A) an overview of existing participants within marine mammal stranding network;
''(B) an identification of coverage needs and participant gaps within a network;
''(C) an identification of data and reporting gaps from members of a network; and
''(D) an analysis of how stranding and health data are shared and made available to scientists, academics, state, local, and Tribal governments, and the public.

(d) Marine Mammal Response Capabilities in the Arctic.—

''(1) In General.—Not later than 1 year after the date of enactment of the Marine Mammal Research and Response Act of 2022, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, and the Director of the United States Geologic Survey, in consultation with the Marine Mammal Commission, shall—

''(A) make publicly available a report describing the response capabilities for sick and injured marine mammals in the Arctic region of the United States; and
''(B) provide a briefing to the appropriate committees of Congress on that report.

(2) Arctic.—The term 'Arctic' has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).
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"(3) REQUIREMENTS.—The report under paragraph (1) shall include—

(A) a description, developed in consultation with the Fish and Wildlife Service of the Department of the Interior, of all marine mammal stranding agreements in place for the Arctic region of the United States, including species covered, response capabilities, equipment, data collection and analysis capabilities;

(B) a list of State and local government agencies that have personnel trained to respond to marine mammal strandings in the Arctic region of the United States; and

(C) an assessment of potential response and data collection partners and sources of local knowledge, including Alaska Native people and villages;

(D) an analysis of spatial and temporal trends in marine mammal strandings and unusual mortality events that are correlated with changing environmental conditions in the Arctic region of the United States;

(E) a description of training and other resource needs to meet emerging response requirements in the Arctic region of the United States;

(F) an analysis of oiled marine mammal response and rehabilitation capabilities in the Arctic region of the United States, including personnel, equipment, facilities, training, and husbandry capabilities, and an assessment of factors that affect response and rehabilitation success rates; and

(G) recommendations to address future strandedness response needs for marine mammals in the Arctic region of the United States.

(b) TABLE OF CONTENTS AMENDMENT.—The title to the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as amended by section 508(b)) is amended by inserting after the text related to section 408(a)

"Sec. 408B. Reports to Congress.

SEC. 5150. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1412(g)) is amended—

(1) in paragraph (1), by striking “1993 and 1994;” and inserting “2023 through 2028;”;

(2) in paragraph (2), by striking “1993 and 1994;” and inserting “2023 through 2028;” and

(3) in paragraph (3), by striking “fiscal year 1993,” and inserting “for each of fiscal years 2023 through 2028.

SEC. 5200. MODIFICATIONS TO NATIONAL VOLCANIC EARLY WARNING AND MONITORING SYSTEM.

(a) DEFINITIONS.—Subsection (a) of section 5001 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. 31k) is amended—

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

(b) PURPOSES.—Subsection (b)(1)(B) of such section is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”;

(c) REQUIREMENTS.—Subsection (b)(2) of such section is amended—

(1) in subparagraph (B)—

(A) by striking “and” before “spectrometry”;

(B) by inserting “, and unoccupied aerial vehicles” after “emissions”; and

(d) MANAGEMENT.—Subsection (b)(3) of such section is amended—

(1) in subparagraph (A), by adding at the end the following:—

“(C) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Secretary of Commerce shall develop and execute a memorandum of understanding for the purpose of providing cooperative support for the activities of the System from the National Oceanic and Atmospheric Administration, including environmental observations, modeling, and temporary deployment assignments of personnel to support emergency activities, as necessary or appropriate.”;

(2) by adding at the end the following:

“(iii) UPDATE.—

(1) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COST ESTIMATES.—The Secretary of Commerce shall submit to the Secretary annual cost estimates for modernization activities and support of the System for the National Oceanic and Atmospheric Administration.

(2) MANAGEMENT.—The Secretary shall update the management plan submitted under chapter (i) to include the cost estimates submitted under subchapter (i).”;

(3) by adding at the end the following:

“(E) COLLABORATION.—The Secretary of Commerce shall collaborate with the Secretary to implement activities carried out under this section related to the expertise of the National Oceanic and Atmospheric Administration, including observations and modeling of emissions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions.

(e) FUNDING.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by inserting “, UNITED STATES GEOLOGICAL SURVEY” after “APPROPRIATIONS”; and

(B) by inserting “to the United States Geological Survey” after “appropriated”; and

(2) by redesignating paragraph (2) as paragraph (3);

(f) IMPLEMENTATION.—Subsection (g) of such section is amended—

(1) in paragraph (1)—

(A) by striking “United States Geological Survey”; and

(B) by inserting “of the United States Geological Survey and the National Oceanic and Atmospheric Administration” after “programs”; and

(2) by adding at the end the following:

“(f) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of the Interior, shall develop a plan to implement the amendments made by this Act during the 5-year period beginning on the date on which the plan is developed.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include an estimate of the cost and schedule required for the implementation described in such paragraph.

(3) PUBLIC AVAILABILITY.—Upon completion of the plan developed under paragraph (1), the Secretary of Commerce shall make the plan publicly available.
SEC. 5701. SHORT TITLE.
This title may be cited as the “Fire Ready Act of 2023.”

SEC. 5702. DEFINITIONS.
In this title:
(1) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Science, Space, and Technology of the House of Representatives.

(3) E XPLANATION.—Throughout this title, the term “Earth system model” means a mathematical model containing all relevant components of the Earth, namely the atmosphere, oceans, land, cryosphere, and biosphere.

(4) FIRE ENVIRONMENT.—The term “fire environment” means—
(A) the environmental conditions, such as soil moisture, vegetation, topography, snowpack, atmospheric temperature, moisture, and wind, that influence—
(i) fire behavior; or
(ii) smoke dispersion and transport; and
(B) the associated environmental impacts that result from wildfires.

(5) FIRE WEATHER.—The term “fire weather” means the weather conditions that influence the start, spread, character, or behavior of wildfires or fires at the wildland-urban interface and relevant meteorological and chemical phenomena, including air quality, smoke, and meteorological parameters such as relative humidity, air temperature, wind speed and direction, and atmospheric composition and chemistry, including emissions and mixing heights.

(6) IMPACT-BASED DECISION SUPPORT SERVICES.—The term “impact-based decision support services” means forecast advice and interpretative services the Administration provides to help core partners, such as emergency personnel and public safety officials, make decisions when weather, water, and climate impact the lives and livelihoods of the people of the United States.

(7) SEASONAL.—The term “seasonal” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8511).

(8) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(9) SMOKE.—The term “smoke” means emissions of gases and particles released into the air as a result of combustion.

(10) STATE.—The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

(11) SUBSEASONAL.—The term “subseasonal” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8511).

(12) TRIBAL GOVERNMENT.—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, or group, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 304 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).
the public regarding actions needing to be taken; (9) provide comprehensive training to ensure staff of the program established under subsection (a) is properly equipped to deliver the impact-based decision support products and services described in paragraphs (1) through (8); and (10) acquire through contracted purchase private sector-produced observational data to fill identified gaps, as needed.

(e) STATE AGREEMENTS.—

(1) COLLABORATION.—The Under Secretary shall, as the Under Secretary considers appropriate, collaborate and consult with partners in the weather and climate enterprise, academic institutions, States, Tribal governments, local partners, and Federal agencies, including land and fire management agencies, to develop and implement the program established under subsection (a).

(2) AGREEMENTS.—The Under Secretary may enter into agreements in support of the functions described in subsection (b), the priorities described in subsection (c), the activities described in subsection (d), and activities carried out under section 5708.

(f) PROGRAM ADMINISTRATION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate committees of Congress a plan that details how the program established under subsection (a) will be administered and governed.

(2) ELEMENTS.—The plan required by paragraph (1) should include a description of— (A) how the functions described in subsection (b), the priorities described in subsection (c), the activities described in subsection (d), and the activities carried out under subsection (a) will be distributed among the line offices of the Administration; and (B) B) in place to ensure seamless coordination among those offices.

SEC. 5704. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 6351) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and (2) by inserting after subsection (e) the following:

"(f) DATA AVAILABILITY AND MANAGEMENT.—

"(1) IN GENERAL.—The Under Secretary shall—

(A) make data and metadata generated or collected by the National Oceanic and Atmospheric Administration available to the public, and to the extent permitted by law, to the public, on a case-by-case basis—

(i) using—

(I) enterprise-wide infrastructure, emerging technologies, commercial partnerships, and the skilled workforce needed to provide appropriate data management from collection to distribution; and

(II) associated information services; and

(ii) pursuing the maximum interoperability of data and information by—

(I) information, knowledge, and tools from across the Federal Government to support equitable access, cross-sectoral collaboration and innovation, and local planning and decision-making; and

(II) developing standards and practices for the adoption and citation of digital object identifiers for datasets, models, and analytical tools.

(B) to ensure that, to the maximum extent possible, data access and distribution is compatible with the security requirements set forth in subsection (a); and

(C) to ensure that, to the maximum extent possible, data access and distribution is compatible with the security requirements set forth in subsection (a); and

(D) to ensure that, to the maximum extent possible, data access and distribution is compatible with the security requirements set forth in subsection (a).

(2) PILOT REQUIRED.—In carrying out subsection (a), the Under Secretary shall conduct pilots of uncrewed aircraft systems to increase utility and access to services and products for the benefit of users.

SEC. 5706. HIGH PERFORMANCE COMPUTING.

(a) IN GENERAL.—The Under Secretary shall seek to acquire sufficient high-performance computing resources and capacity for research, operations, and data storage in support of the program established under section 5708.

(b) CONSIDERATIONS.—In acquiring high-performance computing capacity under subsection (a), the Under Secretary shall consider requirements needed for—

(1) conducting research and development; (2) the transition of research and testbed development capabilities to operations; and

(3) capabilities existing in other Federal agencies and the commercial sector; and

(4) skilled workforce development.

SEC. 5707. GOVERNMENT ACCOUNTABILITY OF FIERCE REPORT ON FIRE WEATHER SERVICES PROGRAM.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the program established under section 5708.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) evaluate the performance of the program by establishing initial baseline capacity building and progress made toward fully operationalizing the functions described in section 5708(b); and

(2) include such other recommendations as the Comptroller General determines are appropriate to improve the program.

SEC. 5708. FIRE WEATHER TESTBED.

(a) ESTABLISHMENT OF FIRE WEATHER TESTBED.—The Under Secretary shall establish a fire weather testbed that enables engagement across the Federal Government, State and local governments, academia, private and federally funded research laboratories, the private sector, and end-users in research to evaluate the accuracy and reliability of technology, models, fire weather products and services, and other research to accelerate the implementation, transition to operations, and adoption of new products by the Administration, Federal and land management agencies, and other relevant stakeholders.

(b) UNCREWED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—The Under Secretary shall—

(A) research and assess the role and potential of uncrewed aircraft systems to improve data collection in support of modeling, observations, predictions, forecasts, and impact-based decision support services; and

(B) transition uncrewed aircraft systems to testbeds from research to operations as the Under Secretary considers appropriate; and

(C) coordinate with other Federal agencies that may be developing uncrewed aircraft systems and related technologies to meet the challenges of wildland fire management.

(2) PILOT REQUIRED.—In carrying out paragraph (1), not later than 1 year after the date of the enactment of this Act, the Under Secretary shall conduct pilots of uncrewed aircraft systems to assess the utility of meteoro logical data collected from fire response and assessment aircraft.

(C) input of the collected data into appropriate models to predict fire behavior, including coupled atmosphere and fire models; and

(D) collection of best management practices for deployment and use of uncrewed aircraft systems and other remote data technology, including for communication and coordination between the stakeholders described in subsection (a).

(3) PROHIBITION.—

(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the Under Secretary may not procure any covered uncrewed aircraft system that is manufactured or assembled by a covered foreign entity, which includes associated elements (constituent of communication links and the components that control the uncrewed aircraft) that are required for the operator to operate safely and efficiently in the national airspace system. The Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.

(B) EXEMPTION.—The Under Secretary, in consultation with the Secretary of Homeland Security, is exempt from the prohibition under subparagraph (A) if the operation or use of the covered uncrewed aircraft system is necessary for the purpose of marine or atmospheric science or management.

(C) WAIVER.—The Under Secretary may waive the prohibition under subparagraph (A) on a case-by-case basis—

(i) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(ii) upon notification to Congress.

(D) DEFINITIONS.—In this paragraph:
(i) COVERED FOREIGN ENTITY.—The term “covered foreign entity” means an entity included on a list developed and maintained by the Secretary of Homeland Security, in coordination with the Director of National Intelligence, the Secretary of the Army, and the Secretary of the Air Force, that the Secretary determines poses a national security risk.

(ii) ANNUAL POST-FIRE-WEATHER SEASON SURVEY AND ASSESSMENT.—

(A) IN GENERAL.—During the second winter following the enactment of this Act, and each year thereafter, the Under Secretary shall conduct a post-fire-weather season survey and assessment.

(B) ELLIPTS.—After conducting a post-fire-weather season survey and assessment under paragraph (1), the Under Secretary shall—

(1) investigate any gaps in data collected during the assessment;

(2) identify and implement strategies and procedures to improve program services and information dissemination;

(3) update systems, processes, strategies, and procedures to enhance the efficiency and reliability of data obtained from the assessment;

(4) evaluate the accuracy and efficacy of physical fire weather forecasting information for each incident included in the survey and assessment; and

(5) assess and refine performance measures, as needed.

SEC. 5709. AUTOMATED SURFACE OBSERVING SYSTEM.

(a) ANNUAL POST-FIRE-WEATHER SEASON SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—During the second winter following the enactment of this Act, and each year thereafter, the Under Secretary shall conduct a post-fire-weather season survey and assessment.

(2) ELLIPTS.—After conducting a post-fire-weather season survey and assessment under paragraph (1), the Under Secretary shall—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(2) USE OF SYMBOL.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(3) CONTRACT AUTHORITY.—The Under Secretary may award contracts for the creation of a symbol under this subsection.

(4) OFFENSE.—It shall be unlawful for any person—

(A) to represent themselves as an official of the Service absent designation or approval of the Under Secretary;

(B) to manufacture, reproduce, or otherwise use any symbol adopted by the Under Secretary under this section, including to sell any item bearing such a symbol, unless authorized by the Under Secretary; or

(C) to violate any regulation promulgated by the Under Secretary.

(g) SUPPORT FOR INCIDENT METEOROLOGISTS.—The Under Secretary shall provide resources, including to support the provision of training, administrative and logistical support, and access to professional counseling or other forms of support as the Under Secretary considers appropriate for the betterment of the emotional and mental health and well-being of incident meteorologists and other employees of the Administration involved with response to high-impact and extreme fire weather events.

SEC. 5710. INCIDENT METEOROLOGIST SERVICE.

(a) ESTABLISHMENT.—The Under Secretary shall establish and maintain an Incident Meteorologist Service within the National Weather Service (in this section referred to as the “Service”).

(b) INCLUSION OF EXISTING INCIDENT METEOROLOGISTS.—The Service shall include—

(1) the incident meteorologists of the Administration as of the date of the enactment of this Act; and

(2) such incident meteorologists of the Administration as may be appointed after such date.

(c) FUNCTIONS.—The Service shall provide—

(1) on-site impact-based decision support services to Federal, State, Tribal government, and local entities involved with response to high-impact and extreme fire weather events;

(2) support to Federal, State, Tribal government, and local government decision makers, partners, and stakeholders for seasonal planning activities;

(3) DEPLOYMENT.—The Service shall be deployed—

(A) to represent themselves as an official of the Service; and

(B) to manufacture, reproduce, or otherwise use any symbol adopted by the Under Secretary under this section, including to sell any item bearing such a symbol, unless authorized by the Under Secretary; or

(C) to violate any regulation promulgated by the Under Secretary.

(g) SUPPORT FOR INCIDENT METEOROLOGISTS.—The Under Secretary shall provide resources, access to real-time fire weather forecasts, training, administrative and logistical support, and access to professional counseling or other forms of support as the Under Secretary considers appropriate for the betterment of the emotional and mental health and well-being of incident meteorologists and other employees of the Administration involved with response to high-impact and extreme fire weather events.

SEC. 5711. AUTOMATED SURFACE OBSERVING SYSTEM.

(a) JOINT ASSESSMENT AND PLAN.—

The Under Secretary, in collaboration with the Administrator of the Federal Aviation Administration and the Secretary of Defense, shall—

(A) conduct an assessment of resources, personnel, procedures, and activities necessary to maximize the functionality and utility of the automated surface observing system of the Under Secretary;

(B) key system upgrades needed to improve observation quality and utility for weather forecasting, aviation safety, and other users; and

(c) improvements needed to reduce latency in reporting of observational data; and

(v) research, development, and transition to operations needed to develop advanced data collection, quality control, and distribution so that the data are provided to models, users, and decision support systems in a timely manner;

(iv) research, development, and transition to operations needed to develop advanced data collection, quality control, and distribution so that the data are provided to models, users, and decision support systems in a timely manner;

(viii) research, development, and transition to operations needed to develop advanced data collection, quality control, and distribution so that the data are provided to models, users, and decision support systems in a timely manner; and

(ix) research, development, and transition to operations needed to develop advanced data collection, quality control, and distribution so that the data are provided to models, users, and decision support systems in a timely manner;
(2) **STANDARDIZATION.—Any system standardization implemented under paragraph (1)(B) shall include measures to upgrade or improve individual units of the system.**

(3) **REMOTE AUTOMATIC WEATHER STATION COORDINATION.—The Under Secretary, in collaboration with the Administrator of the Federal Aviation Administration and the National Interagency Fire Center, shall assess and develop cooperative agreements to improve coordination, interoperability, and the utility of such interagency bodies; and**

Remote automatic weather stations, automated surface observing systems, and regional observing assets used for weather and climate operations.

(b) **REPORT TO CONGRESS.—**

(1) **IN GENERAL.—Not later than 2 years after the date of the enactment of this Act,** the Under Secretary, in collaboration with the Administrator of the Federal Aviation Administration and the Secretary of Defense, shall submit to the appropriate committees of Congress a report that—

(A) **details the findings of the assessment required by subparagraph (A) of subsection (a)(1);** and

(B) the plan required by subparagraph (B) of subsection (a)(1); and

(2) **ELEMENTS.—** The report required by paragraph (1) shall include a detailed assessment of appropriateness required—

(A) to address the findings of the assessment required by subparagraph (A) of subsection (a)(1); and

(B) to implement the plan required by subparagraph (B) of subsection (a)(1); and

(c) **GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—**

Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) **evaluates the progress, performance, and implementation of the plan required by subsection (a)(1);**

(2) **assesses the efficacy of cross-agency collaboration and stakeholder engagement in carrying out the plan and provides recommendations to improve such activities;**

(3) **evaluates the operational continuity and reliability of the system, particularly in remote and rural areas and areas where system failure would have the greatest negative impact to the community, and provides recommendations to improve such continuity and reliability;**

(4) **assesses Federal coordination regarding the remote automatic weather station network, air resource advisors, and other Federal observing assets used for weather and climate modeling and response activities, and provides recommendations for improvements;** and

(5) **includes such other recommendations as the Comptroller General determines are appropriate for the system.**

### SEC. 5712. EMERGENCY RESPONSE ACTIVITIES

(a) **DEFINITIONS.—** In this section:

(1) **BASIC PAY.—** The term "basic pay" includes any applicable locality-based comparable pay supplement under section 5304 of title 5, United States Code, any applicable special rate supplement under section 5305 of such title, or any equivalent payment under a similar comparable pay supplement under Federal law.

(2) **COVERED EMPLOYEE.—** The term "covered employee" means an employee of the Department of Agriculture, the Department of the Interior, or the Department of Commerce.

(3) **COVERED SERVICES.—** The term "covered services" includes any services performed by a covered employee while serving—

(A) as a wildland firefighter or a fire management response official, including a regional group director, a fire management officer, or a fire incident commander;

(B) as an incident meteorologist accompanying a wildland firefighter crew; or

(C) on any interagency management team, at the National Interagency Fire Center, at a Geographic Area Coordinating Center, or at an incident operations center.

(4) **PREMIUM PAY.—** The term "premium pay" means premium pay paid under a provision of law described in the matter preceding paragraph (1) of section 5547(a) of title 5, United States Code.

(5) **RELEVANT COMMITTEES.—** The term "relevant committees" means—

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

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Energy and Natural Resources of the Senate;

(F) the Committee on Oversight and Government Reform of the House of Representatives;

(G) the Committee on Natural Resources of the House of Representatives;

(H) the Committee on Science, Space, and Technology of the House of Representatives;

(I) the Committee on Agriculture of the House of Representatives; and

(J) the Committee on Appropriations of the House of Representatives.

(6) **SECRETARY CONCERNED.—** The term "Secretary concerned" means—

(A) the Secretary of Agriculture, with respect to an employee of the Department of Agriculture;

(B) the Secretary of the Interior, with respect to an employee of the Department of the Interior; and

(C) the Secretary of Commerce, with respect to an employee of the Department of Commerce.

(b) **WAIVER.—**

(1) **IN GENERAL.—** Any premium pay received by a covered employee for covered services shall not be considered in calculating the aggregate of the basic pay and premium pay for the covered employee for purposes of applying the limitation on premium pay under section 5547(a) of title 5, United States Code.

(2) **CALCULATION OF AGGREGATE PAY.—** Any pay that is disregarded under paragraph (1) shall be calculated in determining the aggregate pay of the applicable covered employee for purposes of applying the limitation under section 5307 of title 5, United States Code, during calendar year 2023.

(3) **LIMITATION.—** A covered employee may not be paid premium pay under this subsection if, or to the extent that, the aggregate of the basic pay and premium pay (including premium pay for covered services) of the covered employee for a calendar year would exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of that calendar year.

(4) **TREATMENT OF ADDITIONAL PREMIUM PAY.—** If the application of this subsection results in the payment of additional premium pay to a covered employee of a type that is normally considered basic pay for retirement or any other purpose, that additional premium pay shall not be

(A) considered to be basic pay of the covered employee for any purpose; or

(B) used in computing a lump-sum payment to the covered employee for accumulation under section 5551 or 5552 of title 5, United States Code.

(5) **EFFECTIVE PERIOD.—** This subsection shall be in effect during calendar year 2023 and apply to premium pay payable during that year.

(6) **AMENDMENT.—** Section 5542(a)(5) of title 5, United States Code, is amended by inserting "interagency" after "Interior".

(d) **PLAN TO ADDRESS NEEDS.—**

(1) **DEVELOPMENT AND IMPLEMENTATION.—**

Not later than March 30, 2023, the Secretaries referred to in subsection (a)(6), in consultation with the Director of the Office of Management and Budget and the Director of the Office of Personnel Management, shall jointly develop and implement a plan that addresses the needs of the Department of Agriculture, the Department of the Interior, and the Department of Commerce, as applicable, to hire, appoint, promote, or train additional covered employees who carry out covered services such that sufficient covered employees are available throughout each fiscal year, beginning in fiscal year 2024, with the need for waivers of premium pay limitations.

(2) **SUBMITTAL.—** Not later than 30 days before the date on which the Secretaries implement the plan developed under paragraph (1), the Secretaries shall submit the plan to the relevant committees.

(3) **LIMITATION.—** The plan developed under paragraph (2) shall not be contingent on any Secretary receiving amounts appropriated for fiscal years beginning in fiscal year 2024 in amounts greater than amounts appropriated for fiscal year 2023.

(e) **POLICIES AND PROCEDURES FOR HEALTH, SAFETY, AND WELL-BEING.—** The Secretary concerned shall maintain policies and procedures to promote the health, safety, and well-being of covered employees.

### SEC. 5713. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON INTERAGENCY WILDFIRE FORECASTING, PREVENTION, PLANNING, AND MANAGEMENT BODIES

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) identifies all Federal interagency bodies established for the purpose of wildfire forecasting, prevention, planning, and management (such as wildfire councils, commissions, and workgroups), including—

(A) the Wildland Fire Leadership Council;

(B) the National Interagency Fire Center;

(C) the Wildland Fire Management Policy Committee;

(D) the Wildland Fire Mitigation and Management Commission;

(E) the Joint Science Fire Program;

(F) the National Interagency Coordinating Group;

(G) the National Predictive Services Oversight Group;

(H) the Interagency Council for Advancing Meteorological Services;

(I) the National Wildfire Coordinating Group;

(J) the National Multi-Agency Coordination Group;

(K) the Mitigation Framework Leadership Group;

(2) evaluates the roles, functionality, and utility of such interagency bodies;

(3) evaluates the progress, performance, and implementation of such interagency bodies;

(4) assesses efficacy and identifies potential overlap and duplication of such interagency bodies in carrying out interagency...
collaboration with respect to wildfire prevention, planning, and management; and

(5) includes such other recommendations as the Comptroller General determines are appropriate to streamline and improve wildfire forecasting, prevention, planning, and management, including recommendations regarding the interagency bodies for which the additional requirements apply.

SEC. 5714. ADDITIONAL FUNDING TO INFRASTRUCTURE INVESTMENT AND JOBS ACT RELATING TO WILDFIRE MITIGATION.

The Infrastructure Investment and Jobs Act (Public Law 117-58; 115 Stat. 428) is amended—

(1) in section 70202—

(A) in paragraph (1)—

(i) by striking subparagraph (A), and inserting a semicolon;

(ii) in subparagraph (B), by striking "and" and inserting a semicolon;

(iii) by striking the period at the end and inserting "and"; and

(iv) by adding at the end the following:

"(L) the Committee on Commerce, Science, and Transportation of the Senate; and"

"(M) the Committee on Science, Space, and Technology of the House of Representatives."); and

(B) in paragraph (6)—

(i) in subparagraph (B), by striking "and" and inserting a semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "and"; and

(iii) by adding at the end the following:

"(D) The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere,"; and

(2) in section 70203(b)(1)(B)—

(A) in the matter preceding clause (i), by striking "9" and inserting "not fewer than 10";

(B) in clause (i)—

(i) in subclause (IV), by striking "and" and inserting a semicolon;

(ii) in subclause (V), by adding "and" at the end; and

(iii) by adding at the end the following:

"(VI) the National Oceanic and Atmospheric Administration.";

(C) in clause (iv), by striking "and" and inserting a semicolon;

(D) in striking at the end and inserting the following:

"(vi) if the Secretaries determine it to be appropriate, 1 or more representatives from non-Federal entities by making funds and resources available through--";

SEC. 5715. WILDFIRE TECHNOLOGY MODERNIZATION AMENDMENTS.

Section 1108 of the American Rescue Plan Act of 2021 (43 U.S.C. 1748b-1) is amended—

(1) in subsection (c)(3), by inserting "the National Oceanic and Atmospheric Administration," after "Federal Aviation Administration,";

(2) in subsection (e)(2)—

(A) by redesigning subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

"(B) CONSULTATION.—"

"(1) in general.—In meeting the requirements under this title and the amendments made by this title, the Under Secretary shall coordinate, and as appropriate, establish agreements with Federal and external partners to fully use and leverage existing assets, systems, networks, technologies, and sources of data.

"(2) COORDINATION.—In carrying out paragraph (1), the Secretaries shall collaborate as subparagraphs (A) and (B), respectively, of subparagraphs (C) and (D)."

"(C) in clause (iv), by striking "and" and inserting a semicolon;

"(D) in striking at the end and inserting the following:

"(iv) if the Secretaries determine it to be appropriate, 1 or more representatives from non-Federal entities by making funds and resources available through--";

SEC. 5716. COOPERATION; COORDINATION; SUPPORT TO NON-FEDERAL ENTITIES.

(a) COOPERATION.—Each Federal agency shall cooperate and coordinate with the Under Secretary, as appropriate, in carrying out this title and the amendments made by this title.

(b) COORDINATION.—

(1) in general.—In meeting the requirements under this title and the amendments made by this title, the Under Secretary shall coordinate, and as appropriate, establish agreements with Federal and external partners to fully use and leverage existing assets, systems, networks, technologies, and sources of data.

(2) COORDINATION.—Following completion of the plan submitted under subsection (a)(1), the Under Secretary shall, not less frequently than once each year concurrent with the submission of the budget by the President to Congress under section 1105 of title 31, United States Code, submit to Congress a proposed budget corresponding with the elements detailed in the plan.

(c) INCIDENT METEOROLOGIST WORKFORCE NEEDS ASSESSMENT TO FIRE WEATHER SERVICES PROGRAM PLAN.—

(1) IN GENERAL.—The Under Secretary shall conduct a workforce needs assessment on the current and future demand for additional incident meteorologists for wildfires and other high impact fire weather professionals.

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

(A) A description of staffing levels as of the date on which the assessment is submitted under subsection (a)(2) and projected future staffing levels.

(B) An assessment of the state of the infrastructure of the National Weather Service as of the date on which the assessment is submitted and future needs of such infrastructure to meet current and future demands, including with respect to information technology support and logistical and administrative operations.

(C) CONSIDERATIONS.—In conducting the assessment required by paragraph (1), the Under Secretary shall consider factors including projected climate conditions, infrastructure, relevant hazard meteorological response system equipment, user needs, and feedback from relevant stakeholders.

(d) SUPPORT SERVICES ASSESSMENT.

(1) IN GENERAL.—The Under Secretary shall conduct a workforce services assessment with respect to employees of the National Weather Service engaged in emergency response.
(a) Government Accountability Office Report; Fire Science and Technology Working Group; Funds Authorized

(b) Government Accountability Office Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that identifies the authorities, roles, and science and support services relating to Federal agencies engaged in or providing wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments; and

(c) Strategic Plan.—(1) In General.—Not later than 90 days after the date of enactment of this Act, the Interagency Committee shall prepare and submit to the committees specified in paragraph (3) a strategic plan for interagency coordination and development that will improve the assessment of fire environments and the understanding and prediction of wildland fires, associated smoke, and the impacts of such fires and smoke, including:

(A) at the wildland-urban interface;

(B) on communities, buildings, and other infrastructure;

(C) on ecosystems services and watersheds;

(D) social and economic impacts;

(E) by developing and encouraging the adoption of science-based and cost-effective measures—

(i) to enhance community resilience to wildland fires;

(ii) to address and mitigate the impacts of wildland fire and associated smoke; and

(iii) to restore natural fire regimes in fire-independent ecosystems;

(F) by improving the understanding and mitigation of the effects of weather and long-term drought on wildland fire risk, frequency, and severity;

(G) through integrations of social and behavioral sciences in public safety fire communication;

(H) by improving the forecasting and understanding of prescribed fires and the impacts of such fires, and how those impacts may differ from impacts of wildland fires that originate from an unplanned ignition; and

(I) consideration and adoption of any recommendations included in the report required by subsection (a) pursuant to paragraph (2) of such subsection.

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

(A) A description of the priorities and needs of vulnerable populations;

(B) A description of high-performance computing, visualization, and dissemination needs;

(C) A timeline and guidance for implementation of—

(i) an interagency data sharing system for data relevant to performing fire assessments and modeling fire risk and fire behavior;

(ii) a system for ensuring that the fire prediction models of relevant agencies can be interconnected; and

(iii) to the maximum extent practicable, any recommendations included in the report required by subsection (a);

(D) A plan for incorporating and coordinating research and operational observations, including from infrared technologies, microsatellites, uncrewed aerial systems, and uncrewed aerial systems.

(E) A flexible framework to communicate clear and simple fire event information to the public;

(F) Integration of social, behavioral, risk, and communication research to improve the fire operational environment and societal integration of fire information;

(3) Committees Specified.—The committees specified in this paragraph are—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(c) Committee on Agriculture, Nutrition, and Forestry of the Senate;

(D) the Committee on Agriculture of the House of Representatives;

(E) the Committee on Natural Resources of the House of Representatives; and

(F) the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 5720. FIRE WEATHER RATING SYSTEM.

(a) In General.—The Under Secretary shall, in collaboration with the Chief of the United States Forest Service, the Director of the United States Geological Survey, the Director of the National Park Service, the Administrator of the Federal Emergency Management Agency, and such other Federal agencies as the Under Secretary determines appropriate—

(1) evaluate the system used as of the date of the enactment of this Act to rate the risk of wildfire; and

(2) determine whether updates to that system are required to ensure that the ratings accurately reflect the severity of fire risk.

(b) Administration.—If the Under Secretary determines under subsection (a) that updates to the system described in paragraph (1) of such subsection are necessary, the Under Secretary shall update that system.

SEC. 5721. AVOIDANCE OF DUPLICATION.

(a) In General.—The Under Secretary shall ensure, to the greatest extent practicable, that activities under this title and the amendments made by this title are not duplicative of activities supported by the Administration of Oceans and Atmosphere or other relevant Federal agencies.

(b) Coordination.—In carrying out activities under this title and the amendments made by this title, the Under Secretary shall coordinate with the Administration and heads of other Federal research agencies—

(1) to ensure the activities enhance and complement, but do not constitute unnecessary duplication of, efforts; and

(2) to ensure the responsible stewardship of funds.

SEC. 5722. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—In addition to amounts appropriated under title VIII of division D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094), there are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration for Oceans and Atmosphere for activities authorized under this title and the amendments made by this title—

(1) $15,000,000 for fiscal year 2023;

(2) $11,369,000 for fiscal year 2024;

(3) $11,928,000 for fiscal year 2025;

(4) $12,274,400 for fiscal year 2026; and

(5) $12,813,120 for fiscal year 2027.

(b) Procedures.—None of the amounts authorized to be appropriated by subsection (a) may be used to unnecessarily duplicate activities funded under title VIII of division D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094).

TITLE LVIII—LEARNING EXCELLENCE AND GOOD EXAMPLES FROM NEW DEVELOPERS

SEC. 5801. SHORT TITLE.

This title may be cited as the “Learning Excellence and Good Examples from New Developers Act of 2022” or the “LEGEND Act of 2022.”

SEC. 5802. DEFINITIONS.

In this title—

(1) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(3) TRANSPORTATION INNOVATION CENTER.—The term “Earth Prediction Innovation Center” means the community global weather service, technology, and operations related to science and support services for wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments.

B. A detailed assessment of appropriations required to secure the level of support services needed as identified in the assessment described in paragraph (A).

C. ADDITIONAL SUPPORT SERVICES.—Following the completion of the assessment required by paragraph (1), the Under Secretary shall conduct an additional support services to meet the needs identified in the assessment.

SEC. 5719. GOVERNMENT ACCOUNTABILITY OFFICE REPORT; FIRE SCIENCE AND TECHNOLOGY WORKING GROUP; FUNDS AUTHORIZED

(a) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that identifies the authorities, roles, and science and support services relating to Federal agencies engaged in or providing wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments; and

(b) RECOMMENDED AREAS.—The agencies listed under paragraph (1) could support and improve—

(A) coordination between Federal agencies, State agencies, Tribes, and other relevant stakeholders, including through examination of possible public-private partnerships;

(B) research and development, including interdisciplinary research, related to fire environments, wildland fires, associated smoke, and the impacts of such environments, fires, smoke, and climate, in furtherance of a coordinated interagency effort to address wildland fire risk reduction;

(C) data management and stewardship, the development and coordination of data systems and computational tools, and the creation of a centralized, integrated data collaboration environment for agency data, including historical data, relating to weather, fire environments, wildland fires, associated smoke, and the impacts of such environments, fires, smoke, and the assessment of wildland fire risk; and

(D) interoperability, usability, and accessibility of the scientific data, data systems, and computational and information tools of the agencies listed in paragraph (1).

(2) COORDINATED PUBLIC SAFETY COMMUNICATIONS RELATING TO WILDLAND FIRE EVENTS.—The Under Secretary shall—

(A) establish a working group, to be known as the “Fire Science and Technology Working Group” (in this section referred to as the “Working Group”), that shall be chaired by the Under Secretary, or designee.

(3) GENERAL DUTIES.—

(A) In General.—The Working Group shall seek to—

(i) establish a working group, to be known as the “Fire Science and Technology Working Group” (in this section referred to as the “Working Group”), that shall be chaired by the Under Secretary, or designee.

(ii) coordinate the planning and management of science, research, technology, and operations related to science and support services for wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments.

(iii) INPUT.—The Working Group shall solicit input from non-Federal stakeholders.

(c) STRATEGIC PLAN.—(1) In General.—Not later than 90 days after the date of enactment of this Act, the Interagency Committee shall prepare and submit to the committees specified in paragraph (3) a strategic plan for interagency coordination and development that will improve the assessment of fire environments and the understanding and prediction of wildland fires, associated smoke, and the impacts of such fires and smoke, including:

(A) at the wildland-urban interface;

(B) on communities, buildings, and other infrastructure;

(C) on ecosystems services and watersheds;

(D) social and economic impacts;

(E) by developing and encouraging the adoption of science-based and cost-effective measures—

(i) to enhance community resilience to wildland fires;

(ii) to address and mitigate the impacts of wildland fire and associated smoke; and

(iii) to restore natural fire regimes in fire-independent ecosystems;

(F) by improving the understanding and mitigation of the effects of weather and long-term drought on wildland fire risk, frequency, and severity;

(G) through integrations of social and behavioral sciences in public safety fire communication;

(H) by improving the forecasting and understanding of prescribed fires and the impacts of such fires, and how those impacts may differ from impacts of wildland fires that originate from an unplanned ignition; and

(I) consideration and adoption of any recommendations included in the report required by subsection (a) pursuant to paragraph (2) of such subsection.

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

(A) A description of the priorities and needs of vulnerable populations;

(B) A description of high-performance computing, visualization, and dissemination needs;

(C) A timeline and guidance for implementation of—

(i) an interagency data sharing system for data relevant to performing fire assessments and modeling fire risk and fire behavior;

(ii) a system for ensuring that the fire prediction models of relevant agencies can be interconnected; and

(iii) to the maximum extent practicable, any recommendations included in the report required by subsection (a);

(D) A plan for incorporating and coordinating research and operational observations, including from infrared technologies, microsatellites, uncrewed weather stations, and uncrewed aerial systems.

(E) A flexible framework to communicate clear and simple fire event information to the public;

(F) Integration of social, behavioral, risk, and communication research to improve the fire operational environment and societal integration of fire information; and

(G) by improving the understanding and mitigation of the effects of weather and long-term drought on wildland fire risk, frequency, and severity.

(3) COMMITTEES SPECIFIED.—The committees specified in this paragraph are—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;
research modeling system described in paragraph (5)(E) of section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by section 5803(g), as determined by the Administrator.

SEC. 5803. PURPOSES.

The purposes of this title are—

(1) to support innovation in modeling by allowing the Administrator to make exceptions to the application of subsection (a), the Administrator shall ensure that all requirements in subsection (a) are met,

(b) otherwise developing the plan under subsection (a), the Administrator may exclude models and data described in subsection (a)(1) ensure compliance with statistical laws and other relevant data protection requirements, including the protection of any personally identifiable information.

SEC. 5804. PLAN AND IMPLEMENTATION OF PLAN TO MAKE CERTAIN MODELS AND DATA AVAILABLE TO THE PUBLIC.

(a) In general.—The Administrator shall develop and implement a plan to make available to the public the following:

(1) Operational models developed by the Administrator.

(2) Models that are not operational models, including experimental and developmental models, as the Administrator determines appropriate.

(3) Applicable information and documentation for models described in paragraphs (1) and (2).

(b) Subject to section 5807, all data owned by the Federal Government and data that the Administrator has the legal right to redistribute that are associated with models made available to the public pursuant to the plan and operational forecasting by the Administrator, including—

(A) relevant metadata;

(b) data used for operational models used by the Administrator as of the date of the enactment of this Act; and

(c) a description of intended model outputs;

ACCOMMODATIONS.—In developing and implementing the plan under subsection (a), the Administrator may make such accommodations as the Administrator considers appropriate to ensure that the public release of any model, information, documentation, or data pursuant to the plan does not jeopardize—

(1) national security;

(2) intellectual property or redistribution rights, including under titles 17 and 35, United States Code;

(3) any trade secret or commercial or financial information subject to section 552(b)(4) of title 5, United States Code.

SEC. 5805. DENIAL OF DATA ACCESS TO THE RUSSIAN FEDERATION.

(a) In General.—The Administrator shall, in consultation with the Secretary of Defense, as appropriate, take any action the Administrator determines appropriate to protect the national security interests of the United States.

(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to supersede any other provision of law governing the protection of the national security interests of the United States.

SEC. 5806. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2023 through 2027.

(b) DERIVATION OF FUNDS.—Funds to carry out this section shall be derived from amounts authorized to be appropriated to the National Weather Service that are enacted after the date of the enactment of this Act.

SEC. 5807. PROTECTION OF NATIONAL SECURITY INTERESTS.

(a) In General.—Notwithstanding any other provision of this title, the Administrator, in consultation with the Secretary of Defense, as appropriate, may withhold any model or data if the Administrator determines doing so is necessary to protect the national security interests of the United States.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede any other provision of law governing the protection of the national security interests of the United States.
(ii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) Uniformed Services.—

(1) IN GENERAL.—An alien described in subsection (a)(1) is subject to revocation of any visa or other entry document regardless of whether the other entry document is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(A) take effect immediately; and

(B) automatically cancel any other valid visa or entry document that is in the alien's possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 202 to 213 of the International Emergency Economic Powers Act (50 U.S.C. 1702 et seq.) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL INTEREST WAIVER.—The President may impose the imposition of sanctions under this section with respect to a person if the President—

(i) determines that such a waiver is in the national interests of the United States; and

(ii) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) TERMINATION.—

(1) Cylinder.Except as provided in paragraph (2), the requirement to impose sanctions under this section, and any sanctions imposed under this section, shall terminate on the earlier of—

(A) the date that is 3 years after the date of the enactment of this Act; or

(B) the date that is 30 days after the date on which the President certifies to Congress that—

(i) the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine; and

(ii) such termination in the national interests of the United States.

(2) TRANSITION RULES.—

(A) CONTINUATION OF CERTAIN AUTHORIZATIONS.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person under this section may be exercised on and after that date if the President determines that the continuation of those authorities is in the national interests of the United States.

(B) APPLICATION TO ONGOING INVESTIGATIONS.—A person in violation of this section that is subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL ECONOMIC AND SECURITY ACTIVITIES.—This section shall not apply to the activities of the United States under subsection (b)(2) may not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with a treaty obligation of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 13, 1967, or other international obligations.

(f) DEFINITIONS.—In this section:

(1) The term "good" means any article, natural or manufactured product, including inspection and test equipment, and excluding technical data.

(2) The term "foreign person" means an individual or entity that is not a United States person.

(3) The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

(g) MILITARY MEDICAL TREATMENT FACILITIES.—

(1) CONGRESSIONAL RECORD — SENATE

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(2) E LEMENTS.—The report required under paragraph (1) shall include—

(A) an identification of the military medical treatment facilities selected under subsection (b) and the generic drugs, as well as their active ingredients, selected for the pilot program pursuant to subsection (e);

(B) a plan for the implementation and management of the pilot program; and

(C) key performance indicators to measure the success of the pilot program in ensuring the availability of generic drugs and active pharmaceutical ingredients selected for the pilot program.

(f) FINAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the termination date under subsection (d), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the results of the pilot program.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) an identification of the military medical treatment facilities selected under subsection (b) and the generic drugs, as well as their active ingredients, selected for the pilot program pursuant to subsection (e);

(B) a plan for the implementation and management of the pilot program; and

(C) key performance indicators to measure the success of the pilot program in ensuring the availability of generic drugs and active pharmaceutical ingredients selected for the pilot program.

(f) FINAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the termination date under subsection (d), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the results of the pilot program.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) an identification of the military medical treatment facilities selected under subsection (b) and the generic drugs, as well as their active ingredients, selected for the pilot program pursuant to subsection (e);

(B) a plan for the implementation and management of the pilot program; and

(C) key performance indicators to measure the success of the pilot program in ensuring the availability of generic drugs and active pharmaceutical ingredients selected for the pilot program.
SA 6469. Mr. REED (for Mr. CORKIN (for himself and Mr. KING)) submitted an amendment to the bill H.R. 7900, to authorize amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, including military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1239. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSPORTATION OF GOLD TO OR FROM RUSSIA.

(a) IDENTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and periodically as necessary therefor, the President—

(1) shall submit to Congress a report identifying foreign persons that knowingly participated in or attempted to participate in a transaction described in subsection (b)(1); and

(A) for the sale, supply, or transfer (including transportation) of gold, directly or indirectly, to or from the Russian Federation (as defined in section 201 of the Russian Federation Law on the Government of the Russian Federation, including from reserves of the Central Bank of the Russian Federation held outside the Russian Federation); or

(B) that otherwise involved gold in which the Government of the Russian Federation had any interest; and

(2) shall impose the sanctions described in subsection (b)(1) with respect to each such person; and

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person identified in the report required by subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—(A) VISA, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other document of admission for the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101(a)(12) et seq.).

(B) CURRENT VISAS REVOKED.—(I) IN GENERAL.—An alien described in subsection (a)(1) is subject to revocation of any visa issued, or any other entry documentation regardless of when the visa or other entry documentation is or was issued.

(II) IMMEDIATE EFFECT.—A revocation under clause (i)—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties described in subsection (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under this section with respect to a person if the President—

(1) determines that such a waiver is in the national interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirement to impose sanctions under this section with respect to a person if the President—

(A) the date that is 90 days after the date of the enactment of this Act; or

(B) the date that is 30 days after the date on which the President certifies to Congress that—

(i) the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine; and

(ii) such termination in the national interests of the United States.

(2) TRANSITION RULES.—(A) CONTINUATION OF CERTAIN AUTHORITIES.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person under this section continue to be exercised on and after that date if the President determines that the continuation of those authorities is in the national interests of the United States.

(B) APPLICATION TO ONGOING INVESTIGATIONS.—The termination date under paragraph (1) shall not apply to any investigation of a civil or criminal violation of this section or any regulation, license, or order issued to carry out this section, or the imposition of a civil or criminal penalty for such a violation, if—

(I) the violation occurred before the termination date; or

(ii) the person involved in the violation continues to be subject to sanctions pursuant to subparagraph (A).

(f) EXCEPTIONS.

SA 6470. Mr. REED (for Mr. CORKIN (for himself and Mr. WHITEHOUSE)) submitted an amendment to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(1) EXCEPTIONS FOR AUTHORIZED INTELLIGENCE AND LAW ENFORCEMENT AND NATIONAL SECURITY ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence, law enforcement, or national security activities.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under subsection (b)(2) may not apply with respect to—

(A) any transfer of agricultural, medical supplies, medicine, or medical devices or for the provision of humanitarian assistance.

(3) HUMANITARIAN EXEMPTION.—The President shall not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the purposes of agricultural, medical supplies, medicine, or medical devices or for the provision of humanitarian assistance.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirement or authority to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ‘good’ means any article, natural or manufactured, substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(g) DEFINITIONS.—In this section:


(2) The term ‘foreign person’ means an individual or entity that is not a United States person.

(3) The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that the person had actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) The term ‘United States person’ means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.
SEC. 6471. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 6471, add the following:

"(a) IN GENERAL.—In the event of a death that requires the Secretary of the military department concerned to provide a death benefit under this subchapter II of chapter 75 of title 10, United States Code, such Secretary shall notify the next of kin or other appropriate person with respect to such death in accordance with paragraphs (2) and (3) of subsection (a) of section 1493 of title 10, United States Code, and the Secretary shall provide a death benefit to the next of kin or other appropriate person pursuant to section 1482 of title 10, United States Code, if the Secretary determines that the action of the next of kin or other appropriate person is reasonable and in the best interest of the United States;"

SEC. 6472. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 6472, add the following:

"(a) IN GENERAL.—The Secretary of the Department of Energy, in coordination with the Secretary of Defense, shall make available to the next of kin or other appropriate person, pursuant to section 1493 of title 10, United States Code, and the Secretary shall provide a death benefit to the next of kin or other appropriate person with respect to such death in accordance with paragraphs (2) and (3) of subsection (a) of section 1493 of title 10, United States Code, if the Secretary determines that the action of the next of kin or other appropriate person is reasonable and in the best interest of the United States;"

SEC. 6473. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 6473, add the following:

"(a) IN GENERAL.—In the event of a death that requires the Secretary of the military department concerned to provide a death benefit under this subchapter II of chapter 75 of title 10, United States Code, such Secretary shall notify the next of kin or other appropriate person with respect to such death in accordance with paragraphs (2) and (3) of subsection (a) of section 1493 of title 10, United States Code, and the Secretary shall provide a death benefit to the next of kin or other appropriate person pursuant to section 1482 of title 10, United States Code, if the Secretary determines that the action of the next of kin or other appropriate person is reasonable and in the best interest of the United States;"

SEC. 6474. Mr. REED (for Mr. GRASSLEY (for himself, Ms. KLOBuchar, Mr. LEE, Mr. LEAHY, and Mr. DURBIN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 6474, add the following:

"(a) IN GENERAL.—In the event of a death that requires the Secretary of the military department concerned to provide a death benefit under this subchapter II of chapter 75 of title 10, United States Code, such Secretary shall notify the next of kin or other appropriate person with respect to such death in accordance with paragraphs (2) and (3) of subsection (a) of section 1493 of title 10, United States Code, and the Secretary shall provide a death benefit to the next of kin or other appropriate person pursuant to section 1482 of title 10, United States Code, if the Secretary determines that the action of the next of kin or other appropriate person is reasonable and in the best interest of the United States;"

SEC. 6475. Mr. REED (for Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 6475, add the following:

"(a) IN GENERAL.—In the event of a death that requires the Secretary of the military department concerned to provide a death benefit under this subchapter II of chapter 75 of title 10, United States Code, such Secretary shall notify the next of kin or other appropriate person with respect to such death in accordance with paragraphs (2) and (3) of subsection (a) of section 1493 of title 10, United States Code, and the Secretary shall provide a death benefit to the next of kin or other appropriate person pursuant to section 1482 of title 10, United States Code, if the Secretary determines that the action of the next of kin or other appropriate person is reasonable and in the best interest of the United States;"

SEC. 6476. Mr. REED (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 6476, add the following:

"(a) IN GENERAL.—In the event of a death that requires the Secretary of the military department concerned to provide a death benefit under this subchapter II of chapter 75 of title 10, United States Code, such Secretary shall notify the next of kin or other appropriate person with respect to such death in accordance with paragraphs (2) and (3) of subsection (a) of section 1493 of title 10, United States Code, and the Secretary shall provide a death benefit to the next of kin or other appropriate person pursuant to section 1482 of title 10, United States Code, if the Secretary determines that the action of the next of kin or other appropriate person is reasonable and in the best interest of the United States;"
fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 544. FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES TRANSITIONING OUT OF ACTIVE DUTY SERVICE.

(a) STUDY: EDUCATION AND OUTREACH EFFORTS.—

(1) STUDY.—The Secretary of Defense shall, in conjunction with the Secretary of Veterans Affairs, and the Secretary of Agriculture, conduct a study to identify the means by which members of the Armed Forces are provided information about the availability of Federal nutrition assistance programs as they transition out of active duty service.

(2) EDUCATION AND OUTREACH EFFORTS.—The Secretary of Defense, working with the Secretary of Veterans Affairs, shall increase education and outreach efforts to members of the Armed Forces who are transitioning out of active duty service, particularly those members identified as being at-risk for food insecurity, to increase awareness of the availability of Federal nutrition assistance programs and eligibility for those programs.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study conducted under paragraph (1); and

(B) publish such report on the website of the Department of Defense.

(c) REPORT ON COORDINATION AMONG DEPARTMENTS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of Agriculture, shall submit to each congressional committee with jurisdiction over the Department of Defense, the Department of Veterans Affairs, and the Department of Agriculture a report on the coordination, data sharing, and evaluation efforts on food insecurity across those departments.

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

(A) an accounting of the funding each department, program, or project allocates for research, analysis and evaluation efforts on food insecurity among active duty service members; and

(B) an outline of methods of comparing programs and sharing best practices for addressing food insecurity by each such department.

(d)AN OUTLINE of—

(1) the plan each such department has to achieve greater government efficiency and cross-agency coordination, data sharing, and evaluation efforts on addressing food insecurity among members of the Armed Forces; and

(ii) efforts that the departments can undertake to improve coordination to better address the impact of food insecurity before, during, and after their active duty service.

Any other information the Secretary of Defense, the Secretary of Veterans Affairs, or the Secretary of Agriculture determines to be appropriate.

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—The Comptroller General of the United States shall conduct a study to evaluate the feasibility and advisability of expanding eligibility for the basic needs allowance under section 460 of title 37, United States Code, to individuals during the period following the transition of the individuals out of active duty service, up to three months.

SA 6476. Mr. REED (for Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 564. FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES TRANSITIONING OUT OF ACTIVE DUTY SERVICE.

(a) STUDY: EDUCATION AND OUTREACH EFFORTS.—

(1) STUDY.—The Comptroller General of the United States, in coordination after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Agriculture, shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Defense, conduct a study to identify the means by which members of the Armed Forces are provided information about the availability of Federal nutrition assistance programs as they transition out of active duty service.

SEC. 4127. SUBCONTRACTING REQUIREMENTS FOR MINORITY-SERVING INSTITUTIONS.

(a) IN GENERAL.—Subchapter III of chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 4127. SUBCONTRACTING REQUIREMENTS FOR MINORITY-SERVING INSTITUTIONS.

(a) In general.—(1) The head of an agency shall require that a contract awarded by the Department of Defense Federally Funded Research and Development Center University Affiliated Research Center includes a requirement to establish a partnership to develop the capacity of minority-serving institutions to address the research and development needs of the Department.

(2) Partnerships established pursuant to paragraph (1) shall be through a subcontract with one or more minority-serving institutions for a total amount of not less than 5 percent of the amount awarded in the contract.

(b) Definition of Minority-Serving Institution.—In this section, the term 'minority-serving institution' means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(aa)).

(c) Effective date.—The table of sections at the beginning of chapter 303 of such title is amended by inserting after the item relating to section 4126 the following new item:

"4127. Subcontracting requirements for minority-serving institutions."

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. Mr. President, in three criminal cases pending in Federal district court in the District of Columbia and arising out of the events of January 6, 2021, the prosecution has requested testimony from Senate witnesses.

In the ongoing trial of Stewart Rhodes, the alleged founder and leader of the Oath Keepers, and four codefendants, the prosecution has requested testimony from Virginia Brown, former Senate Chamber assistant, operating under the authority of the then-Secretary for the Minority of the Senate and the Sergeant at Arms and Doorkeeper of the Senate. In that role, Ms. Brown was a witness to the charged events. Then-Secretary for the Minority Myrick and Senate Sergeant at Arms Gibson would like to cooperate with this request by providing relevant testimony in this trial from Ms. Brown.

In two other cases arising out of the events of January 6, 2021, against Jeremy Groseclose and Melody Steele-Smith, in which trials are scheduled to begin on November 14, 2022, the prosecution has requested testimony from Daniel Schwager, formerly counsel to the Secretary of the Senate, concerning his knowledge and observations of the process and constitutional and legal basis for Congress’ counting of the electoral college votes. The prosecution has also sought testimony, if necessary, from Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, which operates under the authority of the Senate Sergeant at Arms and Doorkeeper, to authenticate Senate Recording Studio video of that day. Senate Secretary Bertrand and Senate Sergeant at Arms Gibson would like to cooperate with these requests by providing relevant testimony in these trials from Messrs. Schwager, Russell, and Torres, respectively.

In keeping with the rules and practices of the Senate, these resolutions would authorize the production of relevant testimony from Ms. Brown in the Rhodes case, and from Messrs. Schwager, Russell, and Torres in the Groseclose and Steele-Smith cases, with representation by the Senate legal counsel.

Mr. REED. Mr. President, I further ask that the resolutions be agreed to, the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(1) the resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions."
Mr. REED. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

Mr. REED. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 11:26 a.m., adjourned until Friday, October 14, 2022, at 11:30 a.m.

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NOMINATIONS

Executive nominations received by the Senate:

**DEPARTMENT OF STATE**

VIVEK HALLIDERE MURTHY, OF FLORIDA, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION, VICE BRETT F. GIBOIR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 494:

To be general

LT. GEN. THOMAS A. BUSHIRE

IN THE SPACE FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES SPACE FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

CHRISTOPHER D. COULSON

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 111:

To be rear admiral

MARY M. DEAN
CHAD L. JACOBY
MICHAEL W. RAYMOND

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12123 AND 12121:

To be colonel

CHRISTOPHER D. COULSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. GUTHRIE
JEFFREY THOMPSON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 1226:

To be colonel

PHILLIP S. STONE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 8132:

To be commander

RAMA K. MUTYALA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTIONS 114 AND 2120:

To be captain

BRIAN J. MAGGI
MEGHANN K. STEINHAUS

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WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 11, 2022 withdrawing from further Senate consideration the following nomination:

LAUREL A. BLACKFORD, OF THE DISTRICT OF COLUMBIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET. VICE DAVID ARTHUR MADER, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2022.